

# **Lincoln City - Lancaster County**

## **PLANNING COMMISSION AGENDA**

### **PLANNING COMMISSION**

Tracy Corr: Chair

Tom Beckius: Vice-Chair

Shams Al-Badry

Dick Campbell

Tracy Edgerton

Deane Finnegan

Cristy Joy

Cindy Ryman Yost

Dennis Scheer

### **PLANNING STAFF**

David R. Cary: Director

Geri Rorabaugh: Administrative Officer

Rhonda Haas: Office Specialist

## **December 18, 2019**



**NOTICE:** The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, December 18, 2019, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

**\*\*PLEASE NOTE:** The Planning Commission action is final action on any item with a notation of "FINAL ACTION". Any aggrieved person may appeal Final Action of the Planning Commission to the City Council or County Board by filing a Notice of Appeal with the City Clerk or County Clerk within 14 days following the action of the Planning Commission.

The Planning Commission action on all other items is a recommendation to the City Council or County Board.

## AGENDA

WEDNESDAY, December 18, 2019

Approval of minutes of the regular meeting held December 4, 2019.

1. **CONSENT AGENDA**  
**(Public Hearing and Administrative Action):**

**ANNEXATION:**

- 1.1 ANNEXATION 19009, to annex approximately 0.29 acres of right-of-way for a bridge, generally located at N. 84th Street and Fletcher Avenue.  
*Page* **Staff recommendation: Approval**  
*01* **Staff Planner: Rachel Jones, 402-441-7603, [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)**

**CHANGE OF ZONE:**

- 1.2 CHANGE OF ZONE 19029, from AG (Agriculture District) to AGR (Agricultural Residential District), on property generally located at the intersection of Harold Road and Bluff Road.  
*Page* **Staff recommendation: Approval**  
*09* **Staff Planner: Rachel Jones, 402-441-7603, [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)**

2. **REQUESTS FOR DEFERRAL:**

3. **ITEMS REMOVED FROM CONSENT AGENDA:**

**4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:**

**STREET & ALLEY VACATION:**

4.1 STREET & ALLEY VACATION 19008, to vacate a portion of 17th Street right-of-way, generally located at 17th Street between Vine and X Streets.  
Page 15 **Staff recommendation: Conforms to the Comprehensive Plan**  
**Staff Planner: George Wesselhoft, 402-441-6366, [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)**

**5. ADMINISTRATIVE ACTION:**

5.1 Special Permit 19051, to allow for a campground and related accessory uses, on property generally located at the SE corner of Hwy 77 and Davey Road. **\*\*\*FINAL ACTION\*\*\***  
Page 27 **Staff recommendation: Conditional Approval**  
**Staff Planner: Tom Cajka, 402-441-5662, [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)**

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**AT THIS TIME, ANYONE WISHING TO SPEAK ON AN ITEM NOT ON THE AGENDA, MAY DO SO**

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**Adjournment**

**PENDING LIST:** *Special Permit 18045, to allow for a County AG (Agricultural District) CUP (Community Unit Plan), consisting of 148.49 acres, more or less, for 9 single family acreage lots on property generally located at North 14<sup>th</sup> Street and Rock Creek Road.*

*Preliminary Plat 18002, to add 430 residential lots on approximately 152.1 acres, more or less, on property generally located at the SW corner of West Old Cheney Road and South Folsom Street.*

**Planning Department Staff Contacts:**

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**The Planning Commission meeting  
which is broadcast live at 1:00 p.m. every other Wednesday  
will be rebroadcast on Wednesdays at 7:00 p.m., Thursdays at 12:00 a.m. and Sundays  
at 12:30 p.m. on 5 City TV, Cable Channel 5.**

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**The Planning Commission agenda may be accessed on the Internet at  
<http://www.lincoln.ne.gov/city/plan/pcagenda/index.htm>**

### **ACCOMMODATION NOTICE**

The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the City of Lincoln, please contact the Director of Equity and Diversity, Lincoln Commission on Human Rights, at 402 441-7624 as soon as possible before the scheduled meeting date in order to make your request.



## MEETING RECORD

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, December 4, 2019, 1:00 p.m., Hearing Room 112, on the first floor of the County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska

**MEMBERS IN ATTENDANCE:** Shams Al-Badry, Tom Beckius, Dick Campbell, Tracy Corr, Tracy Edgerton, Deane Finnegan, Dennis Scheer and Cindy Ryman Yost; Cristy Joy absent. David Cary, Steve Henrichsen, Tom Cajka, Dessie Redmond, Andrew Thierolf, George Wesselhoft, Geri Rorabaugh and Rhonda Haas of the Planning Department; media and other interested citizens.

**STATED PURPOSE OF MEETING:** Regular Planning Commission Hearing

Chair Corr called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

Corr requested a motion approving the minutes for the regular meeting held November 13, 2019.

Motion for approval made by Campbell, seconded by Edgerton and carried 8-0: Al-Badry, Campbell, Edgerton, Finnegan, Ryman Yost, Scheer, Beckius and Corr voting 'yes'; Joy absent.

### **CONSENT AGENDA**

#### **PUBLIC HEARING & ADMINISTRATIVE ACTION**

##### **BEFORE PLANNING COMMISSION:**

**December 4, 2019**

Members present: Al-Badry, Campbell, Edgerton, Finnegan, Ryman Yost, Scheer, Beckius and Corr; Joy absent.

**The Consent Agenda consisted of the following items: Comprehensive Plan Amendment 19004, Special Permit 19052 and Special Permit 19054.**

There were no ex parte communications disclosed.

SPECIAL PERMIT 19052 and SPECIAL PERMIT 19054 were removed from the Consent Agenda to each have a separate public hearing.

Finnegan moved approval of the remaining Consent Agenda, seconded by Edgerton and carried 8-0 Al-Badry, Campbell, Edgerton, Finnegan, Ryman Yost, Scheer, Beckius and Corr voting 'yes'; Joy absent.

**SPECIAL PERMIT 19052, TO ALLOW FOR THE DEVELOPMENT OF A CUP (COMMUNITY UNIT PLAN) WITH UP TO 12 SINGLE-FAMILY ATTACHED DWELLING UNITS, WITH ASSOCIATED WAIVERS, ON PROPERTY GENERALLY LOCATED AT 2040 SOUTH 35TH STREET:**

**PUBLIC HEARING:**

**December 4, 2019**

**Staff Recommendation:** Conditional Approval

There were no ex parte communications disclosed.

**Staff Presentation:** **George Wesselhoft, Planning Department**, came forward and stated this is a request for a Community Unit Plan (CUP) to include up to 12 single-family attached dwelling units on 2.19 acres. This property is located west of Normal Boulevard adjacent to the Jim Ager Golf Course on the north side of South Street. The zoning for the property is R-2 Residential. Currently, the property includes one existing single-family home, which will be removed for the CUP. Access for the development will include a private roadway, which will be a cul-de-sac, connecting to S. 35th Street. This proposal is subject to the neighborhood design standards, which it has met.

**Applicant:**

**Mike Eckert, Civil Design Group, Inc., 8535 Executive Woods Drive, Suite 200**, came forward on behalf of Mitch Linder. He stated that they have worked extensively with staff on this in-fill project. They have received letters in opposition to this project prior to the meeting and on the density of this project. He stated that they are not using all of the density that would be allowed in this zoning district. This application proposes an in-fill redevelopment of the property with 10 single-family attached homes as shown on the site plan.

Edgerton stated that the special permit is for 12 dwelling units, but your plan is for 10, is that correct? Eckert explained that it is because of the size of units that they will be putting on property. They needed a waiver on three of the lots because they were slightly under the 5000-foot minimum, and they are not adjacent to any other dwellings.

**Proponents:**

**1. Leslie Reed, 3450 Cable Avenue**, came forward and stated that she is in a neutral position on this proposed project. She stated that she has discussed this project and her concerns have been put to rest and she believes that this development is once in a lifetime. This property does provide a green space to the east side of the neighborhood that contributes to the habitat in the area. She further stated this development would change the character of her home and the surrounding neighborhood in general. She stated that this is good urban planning, but asked if this is the right

plan and wondered if these units would sell. She questioned if this would add too much traffic to the neighborhood intersections.

**Opponents:**

**1. Mark Nolley, 3483 Anaheim Drive,** came forward and stated that they are not in opposition to the proposed development, but they would like a reduction in the number of units. He stated that the reason for his concern is the natural environment in the area and he would like to keep some of the green space in the area. He further stated this neighborhood is enclosed and there is only one way in and out, and this could be a concern because of the traffic. Lastly, he does have concerns with his privacy and the window-to-window exposure to this development.

Edgerton inquired where he accesses his lot from, and asked if it was from Anaheim Drive. Nolley said yes. Edgerton asked if Mr. Nolley has had any contact with the developers. Nolley said no, but that he did make a call to Mr. Eckert and did not receive a reply.

**Staff Questions:**

None.

**Applicant Rebuttal:**

Corr asked about the price point to sell these units. Eckert stated that each side would be at least \$200,000.00. He stated that he wanted to make it clear that one of the conditions of the neighborhood design standards is that windows are required on the side of the houses facing other houses. He further stated that with this being a private roadway they would be purchasing a small portion of Ms. Reed's land where the easement would have been and re-plat their lot. The plan is to save as many of the existing trees as possible on the neighbor's property lines, while still opening up the view for the homes that will be facing the golf course. He shared that during peak hours there is stacking in many neighborhoods and Transportation and Utilities is aware of this and does not have concerns.

Corr inquired if the Commission denied the decrease from 5000 feet to 4000 feet, would one of the units need to come out. Eckert stated that they could do that or they could reshape the detention cell. He stated that 12 units is what is allowed on this property and they are only putting in 10 units, which is under. Corr asked if they have to do townhomes to make this project work and asked why not single-family. Eckert said yes they do, and this is the market that Mitch is working on. Corr inquired about some screening on South 35<sup>th</sup> Street. Eckert said yes, there will be some screening on southern portion where there is the front yard setback to 35<sup>th</sup> Street, and they will try to save the trees that are in the area.

Campbell moved to close the public hearing on this item, seconded by Beckius and carried 8-0: Al-Badry, Campbell, Edgerton, Finnegan, Ryman Yost, Scheer, Beckius and Corr voting 'yes'; Joy absent.

**SPECIAL PERMIT 19052**

**ACTION BY PLANNING COMMISSION:**

**December 4, 2019**

Campbell moved approval with the five waivers listed on staff report, seconded by Beckius.

Campbell stated that his reason for this is that he has known this property for years and grew up playing on this property when the Cherry's lived there. He stated that there is no way to save all of the trees and the developer will need to be careful of what they do save.

Beckius stated that he will support the motion, and further stated that the proposed lot sizes seem to be consistent with the existing neighborhood. The waivers and setbacks restrictions listed will not be detrimental to the established neighborhood, and is in support of this motion.

Scheer stated that he would support the motion also, and further stated that this is a good development for the R-2 district in the center of town. This also complies with many of the comprehensive goals that the City has set, with this being a good reuse of this property.

Corr stated that she has known this section of the City for a long time, and used to ride her bike up and down South Street; she knows how overgrown it is. She stated from the neighborhood perspective with the decrease of the setbacks, knowing that this one does already set back and it will be okay, because of that. She stated she is in support.

Motion carried 8-0: Al-Badry, Campbell, Edgerton, Finnegan, Ryman Yost, Scheer, Beckius and Corr voting 'yes'; Joy absent.

Note: This is **FINAL ACTION** on **Special Permit 19052**, unless appealed by filing a letter in the Office of the City Clerk within 14 days. This is a recommendation to the City Council for all other items.

**SPECIAL PERMIT 19054, TO ALLOW FOR THE EXPANSION OF A NONCONFORMING VETERINARY USE IN THE R-3 (RESIDENTIAL DISTRICT), AND ASSOCIATED WAIVER, ON PROPERTY GENERALLY LOCATED AT 2400 WEST VAN DORN STREET:**

**PUBLIC HEARING:**

**December 4, 2019**

**Staff Recommendation:** Conditional Approval

There were no ex parte communications disclosed.

**Staff Presentation:** Dessie Redmond, Planning Department, came forward and stated this is a request for a special permit per Section 27.63.280 for Expansion of a Nonconforming Use to continue operating a veterinary clinic in an R-3 (residential) zoning district. An associated waiver to surfacing requirements on a portion of the required parking lot has been requested. The proposed expansion of the existing building should not significantly impact the surrounding neighbors because it is interior to the site. The expansion does not encroach any closer to an adjacent neighbor than the existing building. In 1964, a special permit to operate a veterinary facility in the Agricultural zoning district was granted. Afterwards, the property was rezoned to R-3 (residential). Currently, the zoning ordinance does not allow a special permit for a veterinary facility, which is why

this property does not conform to the R-3 zoning district and is, therefore, considered a legal, nonconforming use.

Corr wanted clarification on No. 7 of the staff report where it states the property owner will relinquish their access of the east driveway and there would be no compensation and that turn lanes may be required. She asked if there would be no compensation for closing the east driveway, and who would be paying for the turn lanes. Redmond stated this is something for the future, that there are no plans to widen this street at this time. Corr stated that she wanted it on the record that the no compensation relates to buying the right-of-way on the east access that they are closing. Redmond stated that was correct and this is typical with any widening project. **Steve Henrichsen, Planning Department**, came forward to clarify that the compensation is for the applicant to relinquish their driveway, and that Lincoln Transportation and Utilities (LTU) could require the driveway to be relinquished as part of the special permit or they could wait for future widening. Because LTU could have required them to relinquish it now and they did not, there will be no compensation for them to relinquish the driveway in the future.

Finnegan asked if it is standard not to compensate owners. **Bob Simmering, Lincoln Transportation & Utilities**, came forward and stated it is typical for LTU to buy the right-of-way and take a driveway away from the landowner with compensation for the loss of that access point. In this case, LTU could take the access point away now, and that is why LTU is saying that there would be no compensation in the future.

Campbell asked which access point would be going away in the future. Simmering stated the driveway by the quarter mile point will be staying and the other drive will be going.

**Applicant:**

**Jeremiah Vondra, 2400 West Van Dorn Street**, came forward and stated that he is the owner of Vondra Veterinary Clinic. He stated that his clinic is a small animal clinic that sees dogs and cats only. He stated that his business has grown and they now have three veterinarians working at the clinic with only two exam rooms. The reason for the expansion is to provide 3 more exam rooms to help serve their 12,000 clients with pets. They will remove three sheds on the north side of the property, as marked on the site plan. He further stated that they would be paving parking lot in the future.

**Proponents:**

1. **Walt Broer, 2205 W. Van Dorn**, came forward and stated that he is a long time building contractor and has questions about this special permit and that things were not done properly. He shared that there is a problem with water drainage on the neighbor's property that needs to be address now and not in 2 years. He stated that they should not make a decision on this special permit until they have more information.

**Opponents:**

1. **John Herrod, 2410 W. Van Dorn**, came forward and provided a copy of his testimony (Exhibit "1") and stated that he did not realize that he could address all of the items that have caused negative impacts to his property, peace and well-being. He further stated that the staff report says that his property is vacant, which it is not and he has lived there for the past 30 years. At one point, there was a 40-foot buffer of grass between their driveway and his house, now it is about 10 feet, which has increased the noise on his property. He further stated that rain runoff is already very heavy with all of the additions to the clinic and there is water running through his garage and into his basement. He stated that rock and grass was pushed from the northwest corner of the parking lot to the southeast corner of the property in October 2019, which makes the slope towards his property more evident with the water runoff. He stated that rainwater runoff needs to be directed to the north and not his property.

**Staff Questions:**

Corr asked if there had been a study for the drainage and water issues. Redmond stated a grading plan is submitted when they start paving the parking lot and that is when watershed will review the plan.

Campbell asked if they could stipulate that a swell be developed to carry the water to the north to work for now, until the paved parking goes in. **Tim Zach, Lincoln Transportation & Utilities**, came forward and stated that this is something that they could look at and get a fix with the special permit approval. Redmond stated that it could be made a condition of approval with the special permit. Campbell asked if that would require a grading plan. Zach said yes.

Edgerton asked if there was currently a building permit in place. Redmond stated that there is on but it is on hold. Edgerton asked what happens to the building permit after the Commission's process is complete. Redmond stated the building permit was never approved, it was just issued.

Campbell asked how this building permit slipped through. Redmond stated when a building permit is submitted there is a special permit box that is checked or not. They do not necessarily compare the exact site plan to what is going on, but pointing out that with this approval today, this will be fixed and this can move forward.

Scheer inquired if the building permit was just for the building and not the site. Redmond said that is correct and another building permit would need to be applied for to deal with the pavement. Scheer inquired if this site will require erosion control during construction. Zach said that it depends on the disturbance of the area. Scheer asked if they could add erosion control also as a condition. Redmond said yes, you could make that a condition of approval.

Beckius said at this point the applicant would have up to two years to do the work on the parking lot, because today's process is for the building, is that correct. Redmond said yes that would be correct, they are altering the building and not the parking lot. Beckius asked if this is approved today

and the ability to contest the decision of the Commission has expired, will the original building permit that has already been issued, be valid again. Redmond said correct, there is a 14-day appeal period and then they would continue with their building permit as issued.

Campbell asked if what is passed today with the special requirements added on, would the original permit move forward or would they need a new special permit. Redmond stated that after today's process the applicant would need to show that they meet all of the conditions of approval, and they would receive a letter of acceptance to give to Building and Safety.

Beckius asked if the current owner of the property has made any other additions to this property. Redmond stated that she did not have the answer to that question.

**Applicant Rebuttal:**

Vondra came forward and stated that his main purpose for today is that they have a building that is almost finished, and he just wants to finish the construction.

Corr asked Vondra if he would be open to doing the driveway now. Vondra said yes, he is willing to do the driveway now and just wants to make it a better area for everyone involved. Corr asked about prior additions to the property. Vondra said 2013 they added onto the back, which would be the north section. He explained that they had gotten a building permit at that time. Corr inquired about the removal of three buildings on the property. Vondra said yes he is still planning to remove the three buildings on the back of the property. Corr wondered if a stipulation was added that Mr. Vondra needed to address the water mitigation issues; she asked if he could accomplish this in order to finish the addition. Vondra said that might be a process with landscaping, drainage and other requirements. He explained that he would rather get the building finished and then submit another application for the parking lot as a different project.

Beckius asked how the current construction on the building altered the parking lot as it was. Vondra said that the building takes away two or three parking stalls. He further stated that they had someone come in and scrape the parking lot and that is when this was shut down, because there was not a proper permit to do the parking lot.

Scheer inquired if the grading to the parking lot was done to prepare the site for the addition. Vondra said no, it had nothing to do the new building.

Campbell stated if he is remembering correctly from his visit to the site, it grades from south to the north and then to the northwest. Vondra indicated on the map where the water goes and they hope to make it go straight back to a creek that is behind his lot. Campbell asked if a swale to divert the water to the north could be built. Vondra said that is the idea with a 6-inch curb, and they have started to do the swale. Campbell stated that the swale could be done now because of the water issues and then there would still be up to two years to do the pavement of the parking lot, and finish the work on the building.

Campbell moved to close the public hearing on this item, seconded by Beckius and carried 8-0: Al-Badry, Campbell, Edgerton, Finnegan, Ryman Yost, Scheer, Beckius and Corr voting 'yes'; Joy absent.

**SPECIAL PERMIT 19054**

**ACTION BY PLANNING COMMISSION:**

**December 4, 2019**

Scheer moved to approve, as amended to include the following two conditions:

- 1) Develop a plan for temporary storm water management; and
- 2) Submit an Erosion and Sediment Control Plan.

Seconded by Campbell.

Finnegan asked if the two amendments would occur now. Scheer said yes.

Campbell stated that this solves problems for the neighbor and the applicant, so that he can get his clinic finished.

Beckius wanted to add that timing is of the essence for this, because the applicant who has gone through what appears to be the necessary steps in order to properly obtain their building permit.

Motion carried 8-0: Al-Badry, Campbell, Edgerton, Finnegan, Ryman Yost, Scheer, Beckius and Corr voting 'yes'; Joy absent.

Note: This is **FINAL ACTION** on **Special Permit 19054**, unless appealed by filing a letter in the Office of the City Clerk within 14 days. This is a recommendation to the City Council for all other items.

**TEXT AMENDMENT 19008, TO AMEND THE LINCOLN MUNICIPAL CODE SECTION 27.72.020(C) EXCEPTIONS TO THE MINIMUM LOT REQUIREMENTS RESIDENTIAL, TO WHERE A VACANT LOT OR TRACT OF LAND IS AT LEAST 40 FEET WIDE AND WAS FINAL PLATTED PRIOR TO NOVEMBER 2, 1953, MAY BE USED FOR A SINGLE-FAMILY DWELLING; PROVIDING FOR CERTAIN STIPULATIONS; AND REPEALING SECTION 27.72.020 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING:**  
**PUBLIC HEARING:**

**December 4, 2019**

Members present: Al-Badry, Campbell, Edgerton, Finnegan, Ryman Yost, Scheer, Beckius and Corr; Joy absent.

**Staff Recommendation:** Approval

Corr disclosed Ms. Redmond presented this at the Mayor's Round Table on November 4, and she had attended that meeting.

**Staff Presentation:** Dessie Redmond, Planning Department, stated that H & H Builders have proposed this text amendment to build a single-family dwelling on vacant lots legally created prior

to November 2, 1953. These lots are at least 40 feet wide in the R-1 (residential) through R-3 (residential) zoning districts. The amendment would also permit the R-4 (residential) to R-8 (residential) zoning districts to build a single-family dwelling, two-family dwelling or for any non-dwelling use permitted on vacant lots that were legally created prior to November 2, 1953 and are at least 40 feet wide. This text amendment would provide for additional affordable housing in older neighborhoods and will promote modest opportunities for infill housing. It is important to note that currently the zoning ordinance is written the only thing that is changing is the 40-foot width requirement. Now the code uses the term common ownership. This lot has been purchased by Habitat for Humanity who is wanting to build on it, and this lot has been vacant since the 90's. She further stated there are approximately 79 lots that will benefit from this text amendment.

Campbell asked if since 1953, there were lots that have been developed since then, that would be less than the 50 foot width that would add to that total. Redmond stated that she is unsure if there have been, but it is possible. **Steve Henrichsen, Planning Department**, came forward and stated that was about the time that the Community Unit Development Plan (CUP) started, so most of those could have been built under the CUP to approve them.

Beckius asked if the applicant proposed 40 feet as a new standard or where did that number come from. Redmond explained that through the years 40-foot lots are the lots that have had issues. The Planning Department worked with the applicant and also thinking of lots around the City-- this is how they came up with the 40-foot. She stated that there are many lots that are platted between 40 and 40.9 feet that have had these issues. Beckius asked if there were internal discussions about this. Redmond said yes.

**Applicant:**

**Jeff O’Gorman, H & H builders, 8933 S. 71<sup>st</sup> Street**, came forward and stated that they have been building houses in Lincoln for years and are tired of the high price of lots, so that is when they stated to look as some infill. He stated that with the size of the lots they have had issues buying affordable lots that are buildable. **Brandon Stanczyk, 8933 S. 71<sup>st</sup> Street**, came forward and stated that they would rather build single-family homes than townhouses. They feel that it would look nicer, have curb appeal and match the neighborhood.

Beckius asked if they could build on a lot that was less than 40 feet would they. O’Gorman and Stanczyk both replied yes.

**Proponents:**

1. **Roger Reynolds, 3201 Edward Ct.**, came forward in support and stated he was representing Home Builders Association and Habitat for Humanity, and they are in support of the text amendment, which allows infill and affordability. He read a letter of support from

the President of The Home Builders Association (gave letter of support to clerk Exhibit "2"). He stated that they have a hard time finding affordable lots that are the right size to build on. He further stated that they would have never purchased this land if they knew that they could not build on it.

2. **Mary Reeves, 3632 Dudley Street**, came forward and stated that she approves, but has some concerns. She stated that she wants some of these buildings to be sold and not just for renters. She stated that she is wanting people that will keep up the property and that is why she is wanting some homeowners. She stated that there needs to be affordable housing in Lincoln and she does not want the area to become negative attitude.

**Opponents:**

None

**Staff Questions:**

Edgerton inquired if the lots that were identified are spread throughout the City. Redmond stated Irvington and Woods Park is an area where they are clustered but, yes, they are throughout the City mostly in the older neighborhoods.

Campbell moved to close the public hearing on this item, seconded by Beckius and carried 8-0: Al-Badry, Campbell, Edgerton, Finnegan, Ryman Yost, Scheer, Beckius and Corr voting 'yes'; Joy absent.

**TEXT AMENDMENT 19008**

**ACTION BY PLANNING COMMISSION:**

**December 4, 2019**

Beckius moved approval, seconded by Campbell.

Beckius stated that the changes to lot sizes in order to issue a building permit seem to be in line with the neighborhoods that are surrounding these vacant lots. He further stated that he does not see a problem with using these lots as buildable lots and does not see it would be a detriment to the neighborhoods. He added that at a later stage he would be open to looking at reducing even the 40-foot standard.

Campbell said that he would support what Beckius has said and shared that Village Gardens PUD has some lots that are 26-foot, which is part of a row house. This has worked really well.

Finnegan stated that she is in support because it will offer more affordable housing and Lincoln has a problem with affordable housing.

Corr said this is a great opportunity to reduce some of the barriers for the infill projects and she is always happy to see affordable housing for home ownership for single-family homes.

Motion carried 8-0: Al-Badry, Campbell, Edgerton, Finnegan, Ryman Yost, Scheer, Beckius and Corr voting 'yes'; Joy absent.

[Break at 2:30 P.M.]

Resumed at 2:40 P.M.]

**TEXT AMENDMENT 19009, AMENDING ARTICLE 13 SPECIAL PERMIT, SECTION 13.014, AND ARTICLE 16 SIGNS, SECTION 16.003 OF THE LANCASTER COUNTY ZONING REGULATIONS, REGARDING SPECIAL PERMITS FOR CAMPGROUNDS AND GENERAL PROVISIONS FOR SIGNS. PUBLIC HEARING:** **December 4, 2019**

Members present: Al-Badry, Campbell, Edgerton, Finnegan, Ryman Yost, Scheer, Beckius and Corr; Joy absent.

**Staff Recommendation:** Approval

There were no ex parte communications disclosed.

**Staff Presentation:** Tom Cajka, Planning Department, stated this proposed text amendment submitted by Kent Seacrest on behalf of David and Jolene Queen to amend the Lancaster County Zoning Regulations by adding conditions to Article 13.014 for campgrounds and amending Article 16.003 for signs. This proposed text amendment is to add conditions for campgrounds. Campgrounds are allowed in the AG District by special permit. Currently, there are no conditions listed for the special permit. The proposed conditions will better define what a campground is, provide appropriate conditions, and establish a minimum number of sites for a facility.

Corr stated that the City code has a minimum width for the roads in this type of area, and asked if there was a reason that the road width was not added to the text amendment proposed. Cajka stated that campgrounds are self-contained and self-sufficient, and the designer would design for this type of vehicle. Corr inquired about screening with adjacent properties if deemed appropriate, and if this would be a case-by-case basis or something that would be added now with the text amendment. Tom said this would be case-by-case. Corr wondered if she was correct that signs not allowed in setbacks or any other portion of the code now. Cajka said correct.

**Applicant:**

**Kent Seacrest, 1128 Lincoln Mall, Suite 105,** came forward on behalf of the Queen Family, and stated campgrounds have been in the text amendment since 1978 or even longer, but there is not one standard. Working with the city on this text amendment to come up with the right standards to protect the people. He stated one question would be why 35 percent could stay beyond the 30 days. We have seen with this type of facility that there are construction workers that will not be in town for long, or family members are coming to visit to take care of needs, and there are some people that just need someplace for a short time while they are building their new house. Other campsites save 40 percent for those longer stays. We will be providing this with real amenities, store, bathroom, and several others amenities onsite for the campers.

Beckius inquired why they feel that the amenities at the campground help facilitate a longer stay. Seacrest stated that some of this is just for the traffic, and this helps so that they do not need to leave the campsite, making it easier for the camper. Beckius inquired if there would be

anything to stop an owner from renting out the camper that they own. Seacrest stated that they could it would need to fit within the 35 percent. Beckius asked of the owner could buy a RV and rent it out. Seacrest explained that there would be a home allowed for an owner or caretaker. He stated that there is not anything now that would stop the owner from renting an RV out; they would need to fit within the 35 percent and they would need to move the camper after the 180 days.

Edgerton stated with regards to the 35 percent, the current laws for the applicants current site, which is within the City does not have that opportunity, is that correct. Seacrest said that it is stated in the city code about the 30-day limit. Edgerton inquired what the rational was for the difference between the city and a rural area on the 35 percent longer stay. Seacrest stated that he does not see the difference, but the industry that is growing and there is a need.

Ryman Yost inquired about a storm shelter that will be included, and asked if it was required. Seacrest stated that he did not think that I was a requirement, but that it should be.

Corr inquired about making the records available and asked if there was a reason that their text amendment has more detail than the cities. Eckert said that they listed what they thought would be the appropriate agencies requests.

**Dave Queen, 13611 US Hwy. 34**, came forward and stated that they are looking for a new area because their lease will be running out in 2025. They have been looking for a new site for the couple of years when they found this one. Camping is affordable and enjoyed by all levels of households. This is another great reason to visit the City and the County. He stated that they do not rent RV's by the month. He shared that while we need the text start-ups and the data centers we also need recreational opportunities for visitors and our community. He stated that 93 percent of their reservations stay less than 7 days and 97 percent stay one month or less. There are several reasons that there might be a need for extended stays and some of those reasons might be construction workers, traveling nurses, house built, campers here for the football games and natural disasters.

**Proponents:**

1. **Lynn Deshon, 19519 N. 14<sup>th</sup> Street, Davey**, came forward and stated that she is in support of the storm shelter for this site and safety and the general store. She stated that the store would help minimize the traffic and campers needing to go to town and getting on and off Hwy 77. She stated that she does not want a 6-month trailer park, but does say that she does understand when campers would need to stay longer than the 30 days.

**Opponents:**

1. **Marlene Tracy, 1745 N 84<sup>th</sup> Street**, came forward as part of a group Concerned Citizens for the Protection of Rural Life. She stated that she was in opposition and submitted written

comments (see Exhibit #3). Beckius asked if she has been in contact with anyone from the Planning Department. Tracy said yes, Tom.

2. **Becky Keep, 8601 Davey Road**, came forward in opposition and submitted written comments (see Exhibit #4).
3. **Phyllis Larsen, 17575 N. 70<sup>th</sup> Street**, came forward in opposition and submitted written comments (see Exhibit #5).
4. **Martha Minchow, 8181 Davey Road**, came forward in opposition and submitted written comments (see Exhibit #6).
5. **Carol Sherman, 6305 Agnew Road**, came forward in opposition and submitted written comments (see Exhibit #7).
6. **Phil Pfeiffer, 15746 N. 56<sup>th</sup> Street**, came forward in opposition stating that he is seven blocks from the proposed site. He stated that the restriction of 30 days should be per person, per unit and per year total. He stated that he feels that 180 days is too long and he feels that the record keeping should be very detailed.
7. **Christopher Hall, 3525 Cedar Street, Davey**, came forward in opposition and submitted written comments (see Exhibit #8). Edgerton asked the location of his property. Hall stated that it would be on the southeast end.
8. **Karen Kurbis, 17500 N. 84<sup>th</sup> Street**, came forward in opposition and submitted written comments (see Exhibit #9). (Petition in opposition was handed in Exhibit #10)
9. **Rick Ronhovde, 16555 N. 70<sup>th</sup> Street**, came forward and stated that the fencing should be required.
10. **Denise Kaiser, 5590 Davey Road**, came forward and stated that she does not want them to place a sign on her property and that is not why they purchased their property.

**Staff Questions:**

Beckius asked Mr. Cajka to describe the process that he has gone through with the applicant and other parties to develop the text amendment. Cajka most of the text amendments are proposed by an applicant and then there is discussions about what the applicant is wanting. In this case, we did look at what the city had as a starting point with these suggested changes, and then conditions can be added. Beckius inquired if Cajka has concerns with the text amendment as proposed if a party ran the RV equivalent of a short-term housing unit. Cajka stated based on what there is that would be allowed. He stated they were trying to avoid this and that is why it says campground and not campsite. Beckius asked about campground/site language that was used. Cajka stated if it said 35 percent of the campground could be occupied for more than 180 days, then it would include the entire campground and they want the 35 percent to be just the campsites. Beckius stated that a person could stay in the campground all year as long as they move sites. Cajka explained with the way it is worded someone could stay for 180 consecutive days, move out for a day and then move back in. Beckius asked would they need to move out of the campground or campsite. Cajka stated campground.

Corr stated that they could not go from one campsite to another campsite. Cajka said no.

Edgerton said that they could leave, drive around for a day and then come back in. Tom said yes, with the way that it is written.

Beckius said no person can occupy the campground for more than 30 days, however, if the campground meets certain requirements, as proposed in this text amendment, then a person could stay there for up to 180 days. **Jenifer Holloway, County Attorney's Office**, said correct. Beckius inquired about the language where the first sentence relates to campgrounds and the second relates to campground sites. He asked what stops a person from moving from a campsite to another campsite within the same campground. Holloway explained that there is a distinction for the campground as a whole verses a campsite. The intent of including the word site was to specify the 35 percent of the sites. The campground wording is specifically used so that they could not hop from site to site.

Ryman Yost stated if it said that for no more than 180 consecutive days within the campgrounds, would that work. Beckius stated that he did not know if that is what the county is proposing. Cajka stated that they are proposing that you could stay up to 180 days if the campgrounds has the amenities, and after 180 days you need to leave the campground.

Corr inquired if there was anything in the code that defines mobile home verses a recreational vehicle. Tom stated that there is a definition for mobile home in the zoning code, but he did not think there was a definition for recreational vehicle. Corr stated that part of the concern is that they do not want it to be a trailer park, so how do you differentiate between the two. Cajka stated that a trailer park is for permanent residence and trailer parks are not allowed in AG District zoning district code.

Scheer inquired about the conditions of this text amendment and stated that currently there are no conditions, and asked if that was correct. Cajka said that is correct. Scheer asked if as they went through the process of making conditions, was there reasons that they are different or could they be the same. Cajka said that the planning staff is always looking at zoning code and the municipal code to make changes when needed. He further explained that this code is for the county, but if someone wanted to do a RV Park in the city, we might look at the city's code then. Scheer asked about screening or fencing around the area on a case-by-case basis. Cajka said that they would not object to either.

Al-Badry asked for clarification on the setbacks. Cajka stated that currently in the AG District for all uses it is a 50-foot front yard setback, 60-foot side yard setback and 100-foot rear yard setback. Front yard setback applies to any lot line that sits adjacent to a street; corner lot would have two front yard setbacks. The rear yard was reduced to 60-foot to have it uniformed all the way around, except along the street.

Corr inquired about why the current City code does not apply in the County. Cajka stated that the City code covers Lincoln and the 3 miles beyond the City limits. The County code covers everything outside the 3 miles.

Finnegan asked if they could guarantee that all operators will follow the rules. Cajka said that he could not guarantee on any special permit that they are going to follow the conditions. Finnegan stated that it was said twice that is why something was not added in. Cajka said that was on the

access roads, but with the internal items they will not want to develop something that no one will come to.

Beckius inquired why having these amenities then it makes it allowable to have a longer stay. Cajka stated if you added these requirements, there may be less campgrounds wanting to do this and it provides amenities for the people staying there.

**Applicant Rebuttal:**

Seacrest stated that you cannot do everything by zoning text and that is why there is special permits. The property owners want to do this correctly. He stated that there really was not a radical difference with what the applicant proposed and what the staff proposed. Various departments have reviewed this text amendment and you do not have them expressing concern; they felt that it was reasonable. With the density, they are only proposing 240 sites and it could be over 700, because with the number of acres, it could be a greater density. He stated that they have discussed the text amendment and they would be willing to say that no person or persons can stay in the campground more than 180 days a year.

Campbell asked if they would be willing to accept fencing and screening as part of the requirements. Seacrest said depends, but they would prefer to use the massive tree mass that is on the property and they do not think this area needs a fence. He further stated that they would be willing to place a fence where it is appropriate and the fence maybe should be done at the special permit stage.

Beckius asked why the applicant wants to do this text amendment instead of getting a special permit. Seacrest said that they wanted to do this the proper way and that it needs to be done right. The standards need to be appropriate.

Ryman Yost stated that there was conversation about difference with camper and mobile home and asked about the mobile home language. Seacrest said that he could not quote the definition, but it would be skirting and things of this nature and that protection is already in the code.

Corr asked about skirting in the RV park. Queen stated this is something that they might do in the winter or for a couple of months. Typically they will wrap something around the bottom. He further stated that they do have rules on this being done and how long it can be left on. Corr asked if they check IDs. Queen said that they do get credit card information and other personal information, although they do not ask to see driver license. He stated that they want to do the right thing.

Beckius inquired if they would be receiving something from the County Attorney. Holloway offered some proposed text to help clarify that the same person or persons cannot be there for 180-days, and further stated that she feels the word consecutive should be removed for the 180-days and the 30-days.

Edgerton stated to do that and remove consecutive language from both of the sections, what that means is the typical less than 30-day-camper would not be able to come back as often as they might otherwise. Holloway stated as an example if someone wanted to go camping every weekend they

would not be able to do this because there are 52 weeks in a year and that would be 52 times. There are cons with doing it this way and you cannot have the language to do it both ways.

Campbell moved to close the public hearing on this item, seconded by Scheer carried 8-0: Al-Badry, Campbell, Edgerton, Finnegan, Ryman Yost, Scheer, Beckius and Corr voting 'yes'; Joy absent.

**TEXT AMENDMENT 19009**

**ACTION BY PLANNING COMMISSION:**

**December 4, 2019**

Scheer moved approval as amended to revise the proposed text to remove the word "consecutive" from 13.104, Item C. Seconded by Campbell.

Scheer stated that he is in favor of the motion because today there are no conditions for campgrounds in the county. Today, we are in the process of adding a baseline of conditions for special permits, which is required for any campground in the county. On a case-by-case basis, the Commission can add conditions when needed because each case is different.

Campbell shared that he totally concurs with Scheer about putting rules in place for a campground in the county.

Edgerton stated that she appreciates that and that this particular applicant has impeccable intentions and has been working in this area and has a great track record. She further stated that these amendments have been put forward to be a broad set of conditions and agrees that they are more than what is in place now, but is unsure if they go far enough to protect the AG district area landowners and will be voting no.

Beckius stated that he will be voting no as well and not because the applicant helped with the drafting. He further stated that he does appreciate that we are going from zero to some regulations. A broader conversation with a broader coalition of community citizens of Lancaster County would be helpful. They have the ability to put conditions on with the special permits, which they can and will do. He feels there needs to be a broader discussion.

Henrichsen came forward wanting to clarify what was being voted on. He stated that the County Attorney provided the Commission some text and referred to other text. Scheer stated with the County Attorney's comments that explained what the intent of that was. Henrichsen stated that the applicant was not given any rebuttal time on that condition and does not agree with the change that was verbally suggested by the County Attorney. He further stated that it adds another element to it, which puts a different limitation on the applicant and those are two different sections. Holloway came forward and stated that when you get to the discussion phase, the Commission does not need to give them a chance for rebuttal.

Corr wanting to clarify that Scheer was taking the word consecutive out. Scheer said that was correct.

Al-Badry stated that she would echo what Edgerton and Beckius have stated and that this should be a wider community conversation. She thanked the applicant for bringing this forward.

Ryman Yost stated that regarding the consecutive stay portion, because there are people that return to the same place every weekend, so if passed as introduced then the special permit allows something different to that so that people could stay for more than 30 total days. Scheer assumed that they could get a waiver.

Finnegan stated that she is going to support this because there is nothing in place now, and she feels they need a starting point. She further stated that she feels it would be good to talk with others on this.

Corr said that she agrees and that this is a good starting point and that they need to form a task force for more detail and viewpoints.

Motion carried 5-3: Campbell, Finnegan, Ryman Yost, Scheer and Corr voting 'yes'; Al-Badry, Beckius and Edgerton voting 'no'; Joy absent.

[Break at 4:40 P.M.]

Resumed at 4:46 P.M.]

**SPECIAL PERMIT 19051, TO ALLOW FOR A CAMPGROUND AND RELATED ACCESSORY USES, ON PROPERTY GENERALLY LOCATED AT THE SE CORNER OF HWY 77 AND DAVEY ROAD:**  
**PUBLIC HEARING:** **December 4, 2019**

Members present: Al-Badry, Campbell, Edgerton, Finnegan, Ryman Yost, Scheer, Beckius and Corr; Joy absent.

**Staff Recommendation:** Conditional Approval

There were no ex parte communications disclosed.

**Staff Presentation: Tom Cajka, Planning Department,** stated this is a request for a special permit per Section 13.014 of the Lancaster County Zoning Regulations for a campground. The campground is proposed for up to 240 campsites with electrical, water and sewer hook ups. The campground will also have amenities such as a swimming pool, office, playground facilities and a convenience goods shop. Campgrounds are allowed by special permit in the AG District and are an appropriate land use in an agricultural zoned area, with certain conditions. He further stated, that a water report submitted by the applicant shows that there is adequate water in the area. Nebraska Department of Transportation, Lancaster County Sherriff, County Engineer and the Health Department have no objections to this application. This campground would meet all of the text amendments that the Commission just heard.

**Dick Ehrman, Lower Platte South - NRD,** came forward and provided the clerk with a handout that he went over explaining their process (see Exhibit #11). He stated that at the time of his summary of the area, there were only seven registered wells in the area, and since then several unregistered wells were registered. With the water availability with this site, the onsite well registration and log

indicates initial capabilities of producing about 100 gallons per minute, with a drawdown of 12 feet in the well, and this is good information. However, pumping for a longer time would give more information about the wells capability of continuing to produce water. They anticipate that this site will need --during the peak months of July, August and September – to use of 68.9 gallons per campsite per day. For the entire campsite, this would be slightly more than 1 million gallons for the 62 days in July and August, and less during not peak months. He stated that they have not applied for a permit at this time.

Edgerton asked about the difference between domestic and non-domestic. Ehrman stated that domestic means for human consumption. For this site, the well may be considered as a public water supply, which is not the NRD's call; it would be up to the health authorities. With groundwater in Nebraska, it is not a first-come, first served, everyone shares the ground water in Nebraska. Edgerton inquired about registered and non-registered wells in the area, and how that works into the computation of water availability. Ehrman stated that up until 1993 or 1995 small capacity wells did not need to register with the State of Nebraska, and now permanent wells need to be registered with the state.

**Applicant:**

**Chris Queen, 13611 US Hwy. 34**, came forward in support on behalf of their 17 full and part time employees. Camp Away has been at this location since 1965, and this new location fits with the City's plan. Camp Away is nationally recognized and 78 percent of their guests do not even live in Nebraska.

Edgerton ask how many sites they have at their current location. Chris Queen said there are 102. Edgerton asked about the camp rental sites at the campsite. Chris Queen stated that would be the cabins, which they have 18 or 19 of them. Edgerton inquired if they are anticipating having cabins on this site. Chris Queen stated that they are actually RV's, and that is why they have added a special section about the length of stay, and further stated that they are tiny homes, which do still have wheels. Edgerton asked about the about the 18 or 19 cabin stays and if they would be part of the 30-day stay. Chris Queen and Dave Queen both replied yes.

Beckius inquired about the rental of the RV, and stated that they do not have an engine, and that they are just a trailer. Chris Queen said that is correct, they do not have an engine.

Corr inquired if they collect the same type of taxes that a hotel would. Chris Queen said yes they do collect taxes.

**Mike Eckert, Civil Design Group, Inc., 8535 Executive Woods Drive, Suite 200**, came forward to discuss the water and traffic items for this site. He stated that they did a similar water study, and some of the property owners have registered their wells since. He stated that the test well was good. They did a test and the water is there. The analysis that they have now the well would need to run 5 ½ hours a day to supply them with their daily water needs. The Queen's would

not be moving forward if they did not feel that they had enough water for the site. He stated that the Queen's would pave a 225-foot section of Davey Road for entrance on the site, and it will be built to the county standards. It has been determined that the traffic will not be an issue, and the store will help with off-site trips, as well as the other amenities. They are proposing a full retention lagoons system for the water waste. He discussed a formaldehyde mix that would be in the camper's trailer already waste system, which was a concern with the neighbors. He stated that formaldehyde naturally dissolves itself in daylight and the NDEE does not feel that it will be a problem.

Corr asked what would be a normal amount of water pumped to a residence per day. Eckert said 20 gallons a minute, would be an average of 100 to 150 gallons a day. Corr asked about the 5 ½ hours a day that it would need to run on this site and if that was a lot. Eckert said with not having a lot to compare to it is considered low volume, and there will be a water tank onsite.

Edgerton inquired what is involved in the Health Department review and approval process. Eckert stated that they would make sure that the lagoons and all connections are approved by NDEE and then the Health Department.

**Allan Moser, owner of Moser Well Company, Hickman**, came forward and provided the clerk with a several handouts that he would go over, for the record (see Exhibit #12). He stated that they have drilled many wells in this County, and when people complain about their water pressure they just need to call and this is something that can be fixed.

Edgerton asked if there was just one well on the property. Moser stated yes, but they will be drilling a new well tomorrow.

**Kent Seacrest, 1128 Lincoln Mall, Suite 105**, came forward in behalf of the Queen family for this special permit and stated that they would like to make an amendment to condition 2.1 and provide proposed text (see Exhibit #13) to provide clarification that they are wanting to allow the 30-day consecutive stay so that guests could come on every weekend.

**Proponents:**

None.

**Opponents:**

1. **Brian Campbell, 6030 Davey Road**, came forward in opposition and submitted written comments (see Exhibit #14).
2. **Denise Kaiser, 5590 Davey Road**, she stated that they have been doing renovations to their property, and they purchased this property to get out of the city. She stated that they do not want signs up on their property for the campgrounds and she expressed concerns of people needing to use her driveway to turn around.
3. **Walter Campbell, no address given**, came forward in opposition and submitted written comments from Jason Minchow (see Exhibit #15).

4. **David Nielsen, 7100 Raymond Road**, came forward in opposition and submitted written comments (see Exhibit #16).
5. **Julie Marshall, 7931 Anna Place**, came forward in opposition and submitted written comments (see Exhibit #17).
6. **Rick Ronhovde, 16555 N. 70<sup>th</sup> Street**, came forward and read a letter for Craig Schneider. This letter indicated that this could be a traffic hazard to the area. He stated that this will have a large number of temp workers and their bad habits. He stated that he wants a fence around this site, because of the proximity of his property, which is just beyond the trees.
7. **Dennis Swanstrum, 17605 X Street, Omaha**, came forward in opposition and stated that he moved to the area in the spring of 1943, and it has been in their family for years. He stated has concerns with the negative impact to the area and this proposal does not provide any meaningful benefit to the community. There is a deer stand in the area and they will have to stop hunting in the area. There is not enough law enforcement in the area. This could be devastating for the wells in the area and on the water table.
8. **Phillis Larsen, 17575 N. 70<sup>th</sup> Street**, came forward in opposition and submitted written comments (see Exhibit #18).
9. **Elaine Swanson, 5507 Davey Road**, came forward in opposition and submitted written comments (see Exhibit #19).
10. **Gary Larsen, 17575 N. 70<sup>th</sup> Street**, came forward in opposition and submitted written comments (see Exhibit #20).
11. **Jerry Minchow, 8181 Davey Road**, came forward in opposition and stated that he has lived on his property for 49 years. He stated that has concerns with the water usage for this site. He stated that others in the area have had some difficulty finding water on their property and have had to dig several wells because they kept coming up dry. He stated that they do not even water their lawns because water is precious out there. He is concerned that they will draw all of the fresh water off the top, and they will have salt water, which has happened in other areas.

[Break at 6:35 P.M.]

Resumed at 6:40 P.M.]

**Commissioners Finnegan and Ryman Yost left at 6:35 p.m.**

12. **Douglas Swanson, 5507 Davey Road**, came forward in opposition and submitted written comments (see Exhibit #21).
13. **Carol Sherman, 6305 Agnew Road**, came forward in opposition and submitted written comments (see Exhibit #22).
14. **Martha Minchow, 8181 Davey Road**, came forward in opposition and submitted written comments (see Exhibit #23).
15. **Scott Johnson, 6333 Rock Creek Road**, came forward in opposition and stated that he lives one mile from the proposed site and was not notified on this proposed special permit. He stated that this ground is prime ground and not hard to sell. He stated that Hwy 77 is not safe and he no longer rides his bike on the road because of the speed on the highway. Trash is a problem in the area and it will be worse. He stated that there would be a lot of theft with something like this in the area, because this will add an additional 700 people to the area. He stated that he is a mail carrier for the Post Office and asked where they would be

getting their mail if they were staying for 180 days. He stated that he is a rural postal worker and they do not have room for additional mail holding or delivery. He stated that they do not have room at the post office for another 240 boxes.

- 16. John Huck, 3530 Cedar Street**, came forward and stated that he is in opposition to this because he believes that the new data center will bring transit workers to the area. He stated that he has seen the bad that a transit workforce can bring to an area, along with their problems and habits and will bring trouble to the area. He stated that all of this is for the profit of one person and at the expense of the people that live in the area.
- 17. Becky Keep, 8601 Davey Road**, came forward in opposition and submitted written comments (see Exhibit #24).
- 18. Marlene Tracy, 17500 N. 84<sup>th</sup> Street**, came forward in opposition and submitted written comments (see Exhibit #25).
- 19. Tim Kubicek, 18507 N. 70<sup>th</sup> Street**, came forward in opposition and stated that this does not belong here and that there are many details that have been left out. He stated concerns with the water drainage from the campsite that will end up in the Saline Wetlands, which are rare and only 1400 acres remain in the county. These wetlands provide habitat to a number of threatened and endangered species of plants and animals. He has concerns with the wastewater at the site.
- 20. Lynn Deshon, 19595 N. 14<sup>th</sup> Street**, came forward in opposition and stated that the water level is low in the area. She stated this campsite would use too much water when the residents in the area use very little water to help conserve water in the area. The additional traffic will be a safety issue for this area, the traffic speed on Hwy 77 is getting faster. She feels that this is a safety issue with all of the traffic that will be in the area and they will be moving slower to get to the site. The Interstate has on and off ramps to help make it safer to get on and off the Interstate, because of the speed on the Interstate.
- 21. Karen Kurbis, 17500 N. 84<sup>th</sup> Street**, came forward in opposition and stated that she has lived in the area for 21 years. She stated that she has concerns with the increased traffic in the area and that it will not be safe. This site is for the transit workers that will come to the area; they do not need a swimming pool. She stated that the data center that will be in the area and would bring transit workers to the area. She stated that she has questions about the topography.

#### **Staff Questions:**

Beckius inquired about the density at the site and the number of users that could be using this site at once. Cajka said that this is for 240 sites and it could be possible that it is full. Beckius asked about the number of people in site. Cajka stated maybe two or three per site.

Al-Badry asked about the increase in the number of wells that are registered and if they are still in support. Cajka said yes.

Scheer ask Cajka to clear up some of the confusion with the Lincoln Municipal Code (LMC) and the AG and AGR zoning. Cajka stated that the Lincoln City code Title 27, is for the City and the area that extends three miles beyond the City limits.

Corr inquired how staff determines if land is prime or not prime. Cajka stated that there is a map on the Development Review section and the viewer shows that one-third or less of the area is prime farmland.

**Applicant Rebuttal:**

Eckert stated with the wastewater they would need to calculate the level of a 100-year storm event on the property, and then go 1-foot above that level. This is so that a 100-year event could not get into the lagoon and so the lagoon could hold in a 100-year event, which would be 10 inches of rain in 24 hours. Then he showed a saturated thickness map on the overhead, and this map shows that there is enough water on this site. He shared that the map also shows that just ¼ of a mile away there is less water for that area.

Seacrest stated that the reason the applicant is looking for a new site is that the City is not renewing their lease. Campers do not want to be in the City limits and with this being by Hwy 77, campers can get in and out quickly. Seacrest handed the clerk a letter from Lynn Johnson (see Exhibit #26). He further stated that this is not considered prime land because of the mining that was done on the land and this property is not located in wetlands.

Edgerton asked about 93 percent of business from guests that stay less than seven days, is that correct. Seacrest said yes. Edgerton stated that 97 percent stay less than a month, and she questioned the length of stay with the 35 percent for 180-days and asked if this would make or break, this project. Seacrest stated that it is part of their business and there is a need for this type of extended stay.

Campbell moved to close the public hearing on this item, seconded by Edgerton carried 6-0: Al-Badry, Campbell, Edgerton, Scheer, Beckius and Corr voting 'yes'; Finnegan, Ryman Yost and Joy absent.

**SPECIAL PERMIT 19051**

**ACTION BY PLANNING COMMISSION:**

**December 4, 201**

Scheer moved to approve this Special Permit as set forth in the amended conditions of the staff report as presented on behalf of the applicant (see Exhibit #13). Seconded by Campbell.

Scheer stated that this is an allowable use for this area and complies with what has been presented. He further stated that he does not see any reasons to dispute this because this site could support this application.

Campbell stated that it is very unusual not to have qualifications placed on a project by any of the entities and for this being so clean, he is in support.

Scheer stated that he wanted to add that he was worried about the water and the NRD had helped with this.

Beckius stated that he believes there are many positives for this site and likes that it is adjacent to Hwy. 77. He has been calmed with the water issue, and his only issue is density on this site. He stated that the density is not the same and cannot be compared to the City. The net impact is that there could be 240 users on this site. He stated he does not feel the density corresponds with the objectives and goals of the Comprehensive Plan. He feels it is setting a bar at what the reasonable expectations of what the Lancaster County Community is in terms of density for a project; the guests are coming and going, but there could be density that refers to the City of Lincoln zoning. This density does not conform to the general idea of what has been previously laid out time and time again in the Comprehensive Plan about what the nature and feel of what rural Lancaster County should be.

Edgerton stated that she would be voting no on this special permit because she has concerns regarding the 6 months that the camper could stay. She further stated that she agrees it is an appropriate use and allowed with a special permit. However, is struggling with what this campground means to the surrounding areas.

Corr stated that fellow Commissioners made many good points and this does check all of the boxes, but she has concerns with the density.

Motion failed 4-2 due to a lack of receiving 5 affirmative votes: Al-Badry, Campbell, Scheer and Corr voting 'yes'; Edgerton and Beckius voting 'no'; Finnegan, Ryman Yost and Joy absent.

**David Cary, Planning Department Director**, came forward and stated that due to a lack of a fifth vote either direction; this item will automatically carry over to the regular Planning Commission hearing of December 18, 2019. The public hearing portion on this item has been closed, so the Commission will only be voting on this item.

Note: This is **FINAL ACTION** on **Special Permit 19051**, unless appealed by filing a letter in the Office of the County Clerk within 14 days.

**CHANGE OF ZONE 15013A, TO AMEND THE PLANNED UNIT DEVELOPMENT (PUD) TO INCLUDE RESIDENTIAL, OFFICE, AND COMMERCIAL USES, WITH ASSOCIATED WAIVERS, ON PROPERTY GENERALLY LOCATED AT THE SW CORNER OF SOUTH 52ND STREET AND YANKEE HILL ROAD:**  
**PUBLIC HEARING:** **December 4, 2019**

Members present: Al-Badry, Campbell, Ryman Yost, Scheer, Beckius and Corr; Edgerton, Finnegan and Joy absent.

**Staff Recommendation:** Conditional Approval

There were no ex parte communications disclosed.

**Staff Presentation: Dessie Redmond, Planning Department,** stated this is a request to amend an existing Planned Unit Development (PUD) that was formally called Eastmont Towers and is now proposed as Tower Heights. This request is to develop 59 single-family attached dwelling units, 36,000 square feet of commercial space and 30,000 square feet of office space. The Comprehensive Plan designates the area being developed for future urban density land uses. The plans submitted substantially comply with the requirements of the Zoning Ordinance and the Comprehensive Plan. This property is currently vacant. Dessie discussed some of the conditions for this project.

Corr inquired about the dead-end streets wondering if they could go straight through. Redmond stated the applicant proposed this, although they would be required to create a radius that would meet Lincoln Transportation and Utilities (LTU) standards, so the applicant does not want to put the road through. Corr asked why there is a waiver for the double frontage on the eastern side. Redmond stated that it has to do with South 52<sup>nd</sup> Street and how it is aligned.

Edgerton inquired why commercial and office use is appropriate in the pipeline area. Redmond stated that the pipeline area could not be used for sensitive uses.

Corr asked about the 4-way stop on Yankee Hill Road and wondered how long it would be that way. Simmering stated it is in the program for next year.

**Applicant:**

**Brad Marshall, Olsson, 601 P Street, Suite 200,** came forward on behalf of Lincoln Federal Bancorp, Inc., owner of the property. He stated that this is just an extension to the property to the east. He explained that this is a different plan and they wanted to leave the acreages alone. The development name will be changed from "Eastmont at Yankee Hill" to "Tower Heights". The underlying zone will stay "R-3" PUD. "B-2" and "O-3" use areas are planned for a commercial area within the Pipeline Planning Area (PPA) along Yankee Hill Road. The "O-3" use is planned for the northeast side of the development as a buffer to the acreage development to the east. Townhomes are planned south of the PPA. The current boundary of the PUD will be increase by about 0.15 acres on the southwest corner into the Wilderness Heights area in order to utilize space adjacent to future South 48th more efficiently as rear lots for the townhome. He stated there is a revised plan from what was in the Commissioners' packets. The difference is primarily the turn around and the dead-end streets. One condition is that a sidewalk will go through so the pedestrians living on those streets will not need to go around the block. Marshall provided a proposed amendment to the delete Condition 1.5 of the Staff Report omitting the requirement to provide a pedestrian easement in Outlot B (see Exhibit #27).

Edgerton inquired about the revisions and it looked like the roundabouts do not go in as far to the lots on the north and asked if that was the only difference. Marshall said the Commissioner was correct about not as far to the north and the other revision is that the lots are larger with the sidewalk going through.

Beckius asked about using Lincoln on the Move Funds for improvements on Yankee Hill and if this would be a complete street with sidewalks. Simmering stated that there have been discussions on this.

Corr wondered how this development would connect to future developments in the area. Marshall stated as the property around develops, the connectivity will continue to develop.

Marshall stated that originally, there was a request for auto sales and that was taken off the application.

**Proponents:**

None

**Opponents:**

1. **Mark Fahleson, Rembolt Ludtke LLP, 1128 Lincoln Mall South**, came forward and stated that he is representing several of the neighbors to the north of this development who are taking a neutral position on this development. He stated that they have a desire to work with the developer, staff and the Commission on this project and the project that will be coming forward on the current Yankee Hill Golf Course.
2. **Gale Fickenscher, 5400 Carlisle Court**, came forward and stated that the City limits is down the center of Yankee Hill Road so her acreage is on the county side. Further stated that all of the homes in the area are acreages and they worry that apartment buildings will be built later. She stated that this development should not be a pocket development and will increase the traffic on the roads, which were not built to withstand heavy traffic.

**Staff Questions:**

Edgerton asked if the car lot was a condition. Redmond said yes.

Corr inquired about the amendment and asked how staff feels about it. Redmond stated it was discussed and they are in agreement.

**Applicant Rebuttal:**

Marshall stated the pipeline area has been difficult to navigate and the plans have changed because of the pipeline.

Edgerton stated at this point the only plan is for townhomes, is that correct. Marshall said yes.

Beckius moved to close the public hearing on this item, seconded by Scheer carried 6-0: Al-Badry, Campbell, Edgerton, Scheer, Beckius and Corr voting 'yes'; Finnegan, Ryman Yost and Joy absent.

**CHANGE OF ZONE 15013A**

**ACTION BY PLANNING COMMISSION:**

**December 4, 2019**

Beckius moved approval as amended by deleting Condition 1.5 of the staff report, as presented by the applicant. Seconded by Edgerton.

Beckius stated the proposed change of zone does not seem to be a hardship on the existing neighborhood, and is in support.

Motion carried 5-0: Al-Badry, Edgerton, Scheer, Beckius and Corr voting 'yes'; Campbell abstained; Finnegan, Ryman Yost and Joy absent.

[Break at 8:30 P.M.]

Resumed at 8:35 P.M.]

**MISCELLANEOUS 19004, TO REVIEW THE PROPOSED DETERMINATION AND IDENTIFYING AREAS OF THE CITY THAT MEET THE STATUTORY DEFINITION OF EXTREMELY BLIGHTED AS DEFINED IN THE NEBRASKA COMMUNITY DEVELOPMENT LAW. THE STUDY AREA CONSISTS OF VARIOUS LOCATIONS PRIMARILY IN THE CORE OF THE CITY:**

**PUBLIC HEARING:**

**December 4, 2019**

Members present: Al-Badry, Campbell, Ryman Yost, Scheer, Beckius and Corr; Edgerton, Finnegan and Joy absent.

**Staff Recommendation:** Finding of Extremely Blighted Conditions

Corr disclosed that this might have been discussed at the Mayor's Round Table Meeting on November 4, 2019.

**Staff Presentation:** Dan Marvin, Urban Development Director, came forward and stated that this is essentially approval of a map, which allows certain things to happen. The Nebraska State Statutes 18-2101 to 18-2154, Community Development Law, allows for the designation of Blighted and Substandard areas, and in 2019 added a provision for Extremely Blighted areas. The Extremely Blighted Determination Study identifies areas within Lincoln that meet the criteria for Extreme Blight. Properties within the Extreme Blight designation are eligible for additional Housing Trust Fund dollars and a state tax credit. Per State Statute, designation of Extreme Blight requires action by the City Council with recommendation from the Planning Commission. He further stated that the areas identified in the study meet the statutory requirements for Extreme Blight.

Beckius asked if the Urban Development Department would be tracking the impact of this in the future years. Marvin said they would like the ability to do this. Beckius asked if Marvin has any concern with the housing credit affecting homes that used to be rentals that may transition into ownership. Marvin asked if this would be in regards to the \$5,000.00 tax credit. Beckius said yes. Marvin stated some districts that have a 90 percent rental market. The Comp Plan stated that there is a balance to all of this and in some cases when you are a little over 90 percent, you would be a

little out of balance. He stated that they hope in those types of districts people have been incentivized to be an owner and with this you can tip the numbers a little more back into balance. This credit does not apply to someone that will be using the property as a rental.

Edgerton asked what happens, as new properties are declared blighted and not shown on the map. Marvin stated the law allows them to amend the map, so they can make changes in the future.

There was no testimony in support or opposition.

Beckius moved to close the public hearing on this item, seconded by Campbell carried 6-0: Al-Badry, Campbell, Edgerton, Scheer, Beckius and Corr voting 'yes'; Finnegan, Ryman Yost and Joy absent.

**MISCELLANEOUS 19004**

**ACTION BY PLANNING COMMISSION:**

**December 4, 2019**

Beckius moved approval, seconded by Campbell.

Scheer stated that this is a wonderful complement to the goals of the Comp Plan. He stated this is an issue in the City and there are many things in the works to try to improve this issue and this is a great opportunity.

Corr stated that she agrees and this gives them another tool in tool belt.

Motion carried 6-0: Al-Badry, Campbell, Edgerton, Scheer, Beckius and Corr voting 'yes'; Finnegan, Ryman Yost and Joy absent.

**CHANGE OF ZONE 19026, FROM AG (AGRICULTURAL DISTRICT) TO R-3 (RESIDENTIAL DISTRICT) AND FROM AG (AGRICULTURAL DISTRICT) TO R-5 (RESIDENTIAL DISTRICT), ON PROPERTY GENERALLY LOCATED AT 8801 HOLDREGE STREET:**

**AND**

**SPECIAL PERMIT 19047, TO ALLOW FOR THE DEVELOPMENT OF A CUP (COMMUNITY UNIT PLAN) WITH UP TO 719 MULTIPLE-FAMILY DWELLING UNITS ON APPROXIMATELY 35.31 ACRES, WITH REQUESTED WAIVERS, ON PROPERTY GENERALLY LOCATED AT 8801 HOLDREGE STREET:**

**PUBLIC HEARING:**

**December 4, 2019**

Members present: Al-Badry, Campbell, Edgerton, Scheer, Beckius and Corr; Finnegan, Ryman Yost and Joy absent.

**Staff Recommendation:** Change of Zone 19026: Conditional Approval  
Special Permit 19047: Conditional Approval

There were no ex parte communications disclosed.

**Staff Presentation: Steve Henrichsen, Planning Department,** came forward and stated that he is filling in for George Wesselhoft. This change of zone over a 35.31 acre property from AG Agricultural to R-3 Residential District and from AG to R-5 Residential District. This property is located approximately ¼ mile east of N. 84th Street on the south side of Holdrege Street and is in the City limits. There are 13.79 acres being proposed to be rezoned to R-3 Residential and 21.52 acres are proposed to be rezoned to R-5 Residential. The applicant has revised their application with revision No. 2 to the staff report. As a part of the revision, the applicant is asking for 728 units and instead of the 9-plex units that they had shown adjacent to the acreages to the east and to the south, it has been revised to show townhomes and a reduced multi-family area. To make changes, they will need to come back to the Planning Commission. There will be a Transportation and Utilities Agreement for road improvement to Holdrege from 93<sup>rd</sup> Street back to 87<sup>th</sup> Street. There will be a round about that was part of the traffic study to help with traffic. He stated that improvements on Holdrege is part of the Lincoln on the Move improvements, which the developer is going to upfront the entire cost of the improvement. The Lincoln on the Move will only pay a portion of the road improvement and it is spread out over several years.

Corr inquired about the cost sharing with Lincoln on the Move and asked what the percentages would be for the road improvement. Henrichsen stated with Lincoln on the Move, it would be a 50/50 cost share. Corr inquired if it was normal to use new growth CIP funds for some of the sanitary sewer extension and asked if that was a normal practice. Henrichsen said yes. Corr inquired about one of the connections to Sunrise Estates and asked if it matters which one is done first. Henrichsen stated that it does not necessarily matter.

Beckius inquired about the impact on the trunk sewer that goes through Sunrise Estates would have on the subdivision. Henrichsen stated Sunrise Estates is already in City limits, so anytime you become within 300 feet of a sewer line and you can physically hook up to the sewer line, you will receive a notice that states you have 6 months to hook up to the sewer. He further stated that it is possible that a few of the existing houses are within the 300 feet. They do not need to pay for the trunk line, although they would need to pay to have their line connected to that trunk line.

Edgerton asked if there were other examples of R-5 developments that were next to acreages developments. Henrichsen stated there would be other locations that have multi-family or apartment, which may or may not be necessarily, zoned R-5; he further stated that a development near the south of 56<sup>th</sup> and south of Pine Lake Road that will be before the Commission in about a month where Lincoln Housing has a project that is near some acreages. Edgerton inquired about a transportation study and asked if there would be a change in that study from the revised staff report. Henrichsen said no.

Beckius asked about the differences between the numbers of units on the site plan, the number of units that they are wanting approved, and why planning staff wants to retain the higher number. Henrichsen said that the unassigned units that could be used in the future would just be in the R-5

area, which is the farthest area to the neighbors to the east and the south and to the west is an existing church on a very large lot, which may subdivide at some point in the future. This would bring the density up to what was done in the study and will not have a negative impact to Holdrege Street.

**Applicant:**

**Brad Marshall, Olsson Associates, 601 P Street**, came forward on behalf of 8801 LLC, and stated that he has attended a couple of meetings for this area and the issues were the density and the traffic. The reason for the delay was the density, and they have made some changes by taking out some of the larger buildings and put townhomes in that area instead. Previously requested 668 and now they are down to 468 for the home units, which is a 20 percent reduction from the original request. He stated that they are trying to be flexible to lessen the impact to the surrounding homeowners. With the traffic, the Access Management Plan only allows one access to this property, which is on 93<sup>rd</sup> Street. He stated that a round about is a good way to keep traffic moving in this case and increase the safety at the intersection. He stated that Lincoln on the Move is included in the agreement, which makes it easier on projects like this that do not have the complete funds to fund a roadway project like this one. He further stated that there is a plan to extend the trunk sewer and have provided a preliminary plan for this.

Scheer inquired if the developer has indicated which housing type they would be starting with for this project. Marshall said that the property owner is running through HUD for the financing on this project. He stated that the first phase of the project would be the section with the 80 unit, three 41 unit, the clubhouse and three 9-plexes.

**Proponents:**

None

**Opponents:**

1. **Ted Wolfram, 1040 N. 92<sup>nd</sup> Street**, came forward on behalf of Sunrise Estates Homeowners Association who are in opposition. There are 28 acreages in Sunrise Estates and have concerns with the traffic. He stated that the infrastructure is not in place for this amount of traffic and the intersection in the area is already backed-up with the current traffic that is in the area. He stated that they are also concerned with the increased density in the area and they would like the entire property to be zones as R-3. He further stated that the residents in this area should not have a charge to hook up to the trunk sewer, and the trees that will need to be taken out for this project.
2. **Dan Howe, 1001 N. 92<sup>nd</sup> Street**, came forward and stated that he lives adjacent on the south side of the property line. They would like to see single-family or duplexes in the area instead of what has been proposed. He stated that the City allows several connections for townhomes as stated in the code. He stated that he is concerned with the perimeter of the

property and what would be built in this area. He stated that there is not the infrastructure for this project in this area.

3. **Lance Schupach, 9341 E. Avon**, came forward with concerns on the density that is proposed for this area. He stated that this violates the spirit of the Comprehensive Plan. He stated that there would be over 1000 new vehicles in the area with this development, and the traffic will be driving through the acreages and have impact on the local roads. This would disturb some of the green space in the area.
4. **Carlene Wolfram, 1040 N. 92<sup>nd</sup> Street**, came forward and stated that all the apartments that are proposed will be next to her and all of the traffic will take a short cut and go through her area.
5. **Dan Hinnah, 9500 Eastview Road**, came forward that several people that live in Waterford Estates drive through the neighborhoods because it is faster. He stated that this will affect the traffic on the roads and will not take Holdrege Street like what is planned for the project. The infrastructure is not in place for this type of project with the traffic it will create and he feels this application should be denied.
6. **Phyllis Anderson, 9301 Duane Lane**, came forward and stated that she is one of the original homeowners from the area and it was surrounded at that time with cornfields. She said that she is for development but not in this area. She said that there are so few homes for starter families and that is what Lincoln needs. She said there is no opportunity for starter homes in this area now and feels that maybe single-family for starter homes, because this is not the place for apartments. She stated that she is in opposition to this project, but is for growth.
7. **Dave Halvorson, 1440 Linwood Lane**, came forward, is in opposition. He stated that he does not think that the drainage issue has been addresses at all. You have to control the water when you do construction. He stated with the number of people in the area will take their lifestyle away because of this development. He stated that his property value would go down.
8. **Ronald Schroeder, 1401 Linwood Lane**, came forward and stated that he has concerns with the water drainage in the area with the new construction. He stated that the culvert backs up with 3-inch rain and now you will be adding concrete and it will make this worse. He feels that there will be traffic congestion in the area also.

#### **Staff Questions:**

Henrichsen stated that he wanted to congratulate Mr. Howe for reading the zoning ordinance, which is a problem that have they have had in the past. The term townhome is used almost universal to describe 2-units attached together. To be clear, what is proposed is two- family units on their own lot.

Campbell inquired if the Holdrege Street round about would be built before the apartments are constructed. Henrichsen stated the road would be complete before the first multi-family is occupied, which is intended to be in the agreement.

Scheer stated when the extension of the trunk sewer goes under construction and asked what the process would be and if they will try to save some of the trees. **Bob Simmering, Lincoln Transportation and Utilities (LTU)**, came forward and stated that they will try to do this in a way that is environmentally sensitive with the trees, and the plan would be to save as many trees as

possible. He further stated that regardless of the type of development there would be in the area, this line would still need to go through.

Edgerton asked about the improvements on Holdrege Street for now and future. Simmering explained that the improvements done with this project would extend to 87<sup>th</sup> Street, which will accommodate a lot of traffic. This project addresses the traffic that is coming out of that intersection and moving to the west, and there are other projects to the east that will improve Holdrege Street. He shared that as mentioned earlier the traffic study at the intersection of 84<sup>th</sup> was graded as a "D" without this development. Several intersections in Lincoln have this grade and are on LTU's radar. With this development, the traffic study takes this intersection from a "D" to an "E", which will add an additional 20 seconds of wait time at the intersection during peak hours.

Campbell asked about the paving of Holdrege as it is now. Simmering stated Holdrege will be built on the centerline, so extra lanes could be added on the outside if it went to 4 lanes.

Beckius asked if the church property were redeveloped as some point in the future, which is to the west of this site, is staff comfortable with the church not having access to Holdrege Street. Simmering stated that he was unsure if there would be a 1/8 mile in/out available, without looking at a map. Henrichsen stated if the church sells off part of its property to be developed, this is a road that would make the connection and there will be an east-west street in the future. Beckius inquired if the entire church property were to be developed similar to what is proposed today, would planning still be okay with the connections. Henrichsen said yes, that they are comfortable with the one connection on the southern end.

**Applicant Rebuttal:**

Marshall stated with the traffic concerns they will be adding a median-divided road with one lane each way, which will have the capacity to handle 10,000 vehicles per day. The traffic study indicated that this would be adequate. With the trunk sewer, there have been discussions with the Lincoln Watershed Department on what the design may look like. He stated that they will try to reduce the impact and will have discussions with the neighbors if this project is approved. The water detention and water quality both comply with the drainage study that has been done.

Scheer stated that a concern with the residents is drainage for the area and not wanting their property to flood. Marshall stated that they are not changing where the water naturally flows now for drainage.

Marshall stated the density calculated at 728 units for this area and this project only has 542 units. With the apartments, they could go vertical because they are bound by height restrictions. Parking for the area is almost the key to what can be done in this area, because they are required to have adequate parking for the residents. Lastly, if this project is approved, the road and utilities will start this spring and it will be fall of 2021 before the first multi-family is ready.

Scheer moved to close the public hearing on this item, seconded by Beckius carried 6-0: Al-Badry, Campbell, Edgerton, Scheer, Beckius and Corr voting 'yes'; Finnegan, Ryman Yost and Joy absent.

**CHANGE OF ZONE 19026****ACTION BY PLANNING COMMISSION:****December 4, 2019**

Beckius moved approval, seconded by Scheer.

Beckius stated that he understands the heartburn; however, there are some components that are really important to reiterate. This is a big site that is adjacent to an arterial street in an area that has been rapidly developing and will continue to grow. This is a budding residential development that was designed specifically for development to occur around it and through it. He stated that this makes a lot of sense and the R-3 is providing a decent buffer to the higher density to the R-5 use, and he is in support of the change of zone. He shared that for the special permit and the density to the area he would entertain a 10 percent overage of what is being proposed for units on this site if other Commission members agreed.

Scheer said that this change of zone is a creative approach and it does a lot not just for the perimeter and has taken away some of the concerns of the neighbors, although not all of them in terms of the land use. It is good for the development and he stated that he would be interested in a cap on the density to this area, and stated if they can put a cap on this to give the residents a little more assurance to the adjacent homeowners.

Campbell said he pleased on the revised version that came out and that it addressed many of the concerns in the letters that were sent and it solved some problems.

Corr stated that she wanted to thank the applicant for the community meetings and reaching out to the neighbors and working with them and for the compromises that they have made. She stated that many times no one will budge and that makes it difficult. She stated she too, would be interested in the cap on the number of units also and is support of the change of zone.

Motion carried 6-0: Al-Badry, Campbell, Edgerton, Scheer, Beckius and Corr voting 'yes'; Finnegan, Ryman Yost and Joy absent.

**SPECIAL PERMIT 19047****ACTION BY PLANNING COMMISSION:****December 4, 2019**

Campbell moved approval and inquired if the cap that they want to amend could be done now. **Tim Sieh, City Attorney**, came forward and stated that it could be done either way.

Campbell moved approval, as amended to allow up to a 10 percent over the 542 units to the developer for future development, seconded by Beckius.

Campbell stated that he thinks that the cap should be reduced and this would still give the developer some flexibility, and this would give them up to 596 apartments.

Corr said that it is a great compromise.

Motion carried 6-0: Al-Badry, Campbell, Edgerton, Scheer, Beckius and Corr voting 'yes'; Finnegan, Ryman Yost and Joy absent.

Note: This is **FINAL ACTION** on **Special Permit 19047**, unless appealed by filing a letter in the Office of the City Clerk within 14 days.

The Chair stated that anyone wishing to speak on an item not on the agenda, may come forward and do so; no one came forward.

Beckius moved to adjourn the Planning Commission Meeting of December 4, 2019, seconded by Campbell and carried 6-0: Al-Badry, Campbell, Edgerton, Scheer, Beckius and Corr voting 'yes'; Finnegan, Ryman Yost and Joy absent.

Meeting adjourned 10:40 p.m.

Note: The Planning Commission will not formally approve these minutes until their next regular meeting on Wednesday, December 18, 2019.

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John Herrod - 2410 West Van Dorn Street

I have been very naive and did not know I had recourse to address all of these issues that caused negative impacts to my property, peace, and well being.

I have lived here almost 30 years and the property has never been vacant as stated. I have just found out that a special waiver was granted in 1964 for a veterinary clinic. There was one vet and a 900 sq. ft. building. Dr. Kasik treated mostly large animals off site with very little traffic. Now there are 4 vets, 4 groomers, plus support staff, and a building over 6,600 sq. ft. Construction has been done without proper permits or proper hearings. This has created much noise and traffic within 10 feet from my bedroom and living room.

At one time there was over 40 ft. of grass between the driveway and my house. This was a buffer for rain runoff from the rock driveway and also noise. There is 10 feet from the property line to my house for the proposed permit to handle 23 parking spaces and 12,000 clients in and out, plus delivery trucks, doors shutting, dogs barking, etc.

Rain runoff is already very heavy with the additions to the clinic. I have told Dr. Vondra that I have runoff problems, water running through my garage leaving a white residue from the crushed rock, water in my basement and bowed east basement wall.

On October 8, 2019, my house started shaking and a very loud noise. I looked out and saw a large piece of equipment with hooks tearing up Dr. Vondra's parking lot and grass areas. The loose rock was then being pushed to the southeast corner of his property which would cause more northwest rain runoff to my house and garage.

**PRESIDENT**

Denny Van Horn

**PRESIDENT ELECT**

Herb Reese, CGR, CAPS

**1ST VICE PRESIDENT**

Matt Kinning

**2ND VICE PRESIDENT**

Perry Haralson

**IMMEDIATE PAST PRESIDENT**

Bo Jones

**SECRETARY**

Lori Wellman, CKD, CGR, CAPS

**TREASURER**

Bob Bryant

**EXECUTIVE VICE PRESIDENT**

Michaela Harrison

**DIRECTORS**

Mark Aksamit

Taylor Ashburn

Bryce Bornemeier

Kelly Krueger

Hayley Lane

Pam Magner

Jerry Maher, CGP, CAPS, CGB

Tyler Reynolds

Lance Roach

Matt Ruhlman

Marlene Stroup

Sam Swartz

**REMODELERS COUNCIL**

Shawn Stranathan

**YOUNG BUILDING**

**PROFESSIONALS COUNCIL**

Kelli Fleek

**PAST PRESIDENTS**

Jerry Boyce

Jim Christo

Steve Fulton

Mike Goings

John Hoppe, Jr.

Ward Fred Hoppe

Justin Johnson

Mike Kinning

Dan Klein, Sr.

Matt Kleinschmit

Rick Krueger

Dan Kubr

Donn Mann

Sam Manzitto

Mike May

Roger Reynolds

Mike Rezac

Greg Schwinn

Greg Shinaut

Bob Stephens

Planning Commission  
555 S. 10<sup>th</sup> St., Ste. 213  
Lincoln, NE 68508

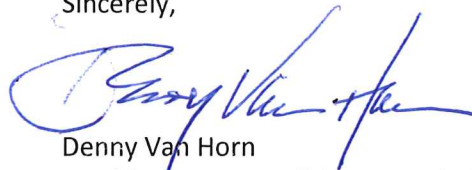
December 3, 2019

Dear Planning Commissioners:

The Home Builders Association of Lincoln (HBAL) supports Text Amendment 19008, to amend exceptions to residential lot minimum requirements. This Text Amendment enables investment in older neighborhoods and infill development while encouraging affordable housing. It will allow previously vacant lots to be used to address Lincoln's housing challenges while maintaining the character of the surrounding area.

We appreciate the Planning Departments efforts in recognizing restrictions in current zoning code which prevent construction of new homes in certain conditions in the City. We also appreciate your willingness to support affordable housing and the goals set forth by the current administration of our City.

Sincerely,



Denny Van Horn  
President, Home Builders Association of Lincoln

I talked to Dr. Vondra and the pavement contractor and showed them the erosion from runoff and that was going to cause more problems. I then asked if they had a permit and was told they did not need one. I was not comfortable with their answers and decided to find out. The City returned my call the next day and said there may be a problem and the project would be stopped. I went out to tell the worker because they had started to dig footings and had a crew to start placing forms.

This project under review will cause more runoff to the west and into my garage and house if not properly sloped to drain north into a dry creek. The concrete parking lot proposed has no plan for the increased rain runoff to be channeled to the north. The comprehensive plan cited in your letter to close the east driveway will cause all traffic to be within 10 feet of my living room and bedroom.

In conclusion -- The original proposal needs to be completely reviewed; many mistakes have been made as written. If this project is approved by the City, then the City needs to protect the land owner from water runoff, noise and traffic.

And, to you commissioners, let it be clear you are voting on many other items with inaccurate and lack of information. Each item should be voted on its own merit at the time of request.

## CPR Life (Citizens for the Protection of Rural Life)

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plan@lincoln.ne.gov  
Lincoln-Lancaster County Planning Department  
555 S 10<sup>th</sup> St, Room 213  
Lincoln, NE 68506

RE: Lancaster County Zoning Regulations Article 13.014, Campgrounds

My name is Marlene Tracy. I have resided at 17500 N. 84<sup>th</sup> Street for twenty nine years. The proposed campground access on Davey Road is part of my daily travels

When did Lancaster County start allowing the attorney for a developer to write county zoning ordinances? It appears that this is the case with TX91009.

The special permit application for the campground was submitted in April of this year. Our 1<sup>st</sup> notification was an informational meeting on October 11<sup>th</sup>. Had we known about this sooner, we could have been involved with the development of the zoning conditions. Considering the time of the year and the fact that the Queens have an established campground with a lease for years to come we would propose the consideration of a campground task force.

A task force allows residents to provide input into the creation of zoning ordinances that lack any specific requirements, and allows for collaboration of planners, developers, and concerned residents. It appears the county is not being proactive with development issues in the county. This has created problems for well over a decade in issues that CPR Life has been involved in. There is no action taken until a special permit application is filed, resulting in unnecessary conflict with all involved. Examples that come to mind are the following:

- Special permit application for a drag strip which was ultimately denied/withdrawn. During the process a Motorsports Task Force was established to assist the County Board in addressing the complex issues involved with motorsports facilities. Two of our CPR Life neighborhood members served on this task force.
- Special permit application for soil mining permits. A Soil Mining Task Force was created to discuss such issues as oversight/enforcement of conditions placed on such proposals, development of regulations, inspection fees, development of stringent re-seeding and vegetative guidelines. Again, a member of CPR Life served on the task force.

In response to The November 25, 2019 staff report by Tom Cajka, the members for the group CPR Life would like to offer the following proposals for Lancaster County Zoning Regulations Article 13.014 Campgrounds. Since Mr. Cajka has commented that the applicant's proposal was fashioned after the current Lincoln City Municipal Code 27 Zoning, Chapter 27.63 Special Permits, and Article 27.63.270 Campgrounds, we are proposing that the County adopt all the current language found in this Article. It appears that Mr. Seacrest and Dave and Jolene Queen have chosen to PICK from the current Municipal Code the items that promote their application of an RV Park near Highway 77 and Davey Road in northern Lancaster County. We, the concerned citizens residing in northern Lancaster County (CPR Life), would like the entire current language in the Municipal Code to be the basis of the establishment of campgrounds throughout Lancaster County and not just address the wishes of the applicant.

As noted by Mr. Cajka the current Camp A Way facility is exempt from the municipal code due to being created prior to the 1979 Comprehensive Plan. The Lancaster Event Center is a public entity, and as such, does not have to abide by any campground municipal code. The development of the campground language for 13.014 needs to set the county wide standard for decades to come.

We, CPR Life, would like to propose adoption of the current municipal code language for 13.014, along with the following modifications:

Lancaster County Zoning Code Section 13.014 Campgrounds

Campgrounds for tents, tent-trailers, and recreational vehicles may be allowed by special permit in the AG and AGR zoning districts under the following conditions:

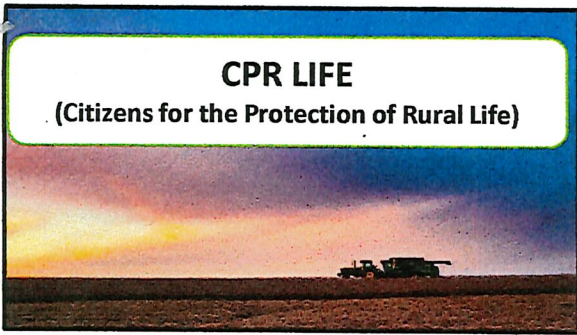
- a. **Each campsite shall contain at least 2,500 square feet.** The campsite shall be so designed that the required 2500 square feet can be enclosed within a rectangle of which one side shall not exceed three times any other side. *(It is up to the Planning Department to add the minimum of 40 campsites as desired).*
- b. The campground shall be supplied with a water supply and sewage disposal facilities, including washing (laundry), toilets, and similar facilities, all of which meet all applicable county codes and regulations.
- c. A side yard of fifty feet and a front yard of 100 feet shall be maintained on the campground; provided, however, that the 100 foot front yard requirement may be waived if the front yard abuts on a public street which has a right of way width of 200 feet or more. **Screening required from the campground to adjacent properties.**  
*Incorporate the AG district definition of 100 feet for rear yard setback.*
- d. The access to public roads and highways shall be paved or surfaced in a similar manner to the adjacent public roads, and shall be approved by the county.
- e. Access roads shall be provided to each campsite and all access roads shall have a minimum unobstructed width of fourteen feet for all one-way roads, and twenty feet for all two-way roads.
- f. **No campground may be occupied by the same person or persons more than thirty days in any one calendar year.**
- g. **No mobile homes shall be located in any campground, except as provided for in ~~Section 27.83.010 (d) (5)~~ Add applicable county code reference.**
- h. **All special permits issued under this section are temporary and valid during the period that the campground and associated facilities comply with the provisions of this title and all other applicable ordinances and regulations.**
- i. All Campground operators shall keep accurate records as to the length of time a person stays in the campground, and shall make records available to any county official upon request. **An annual report is to be filed with Building and Safety or applicable County department. This report should be available for public access.**

**Modification of additional proposed conditions:**

- j. Signs, **non-lighted**, are allowed within the front yard setback.
- k. One **non-trailer** dwelling unit or a campsite occupied by the owner or caretaker year round is permitted.

**In addition, we would like to propose adding the following:**

- l. **All persons who reside at the campground must have a background check for sex offenders, and must be reported to the appropriate authorities.**
- m. **No skirting shall be allowed on said camping trailers or recreational vehicles.**

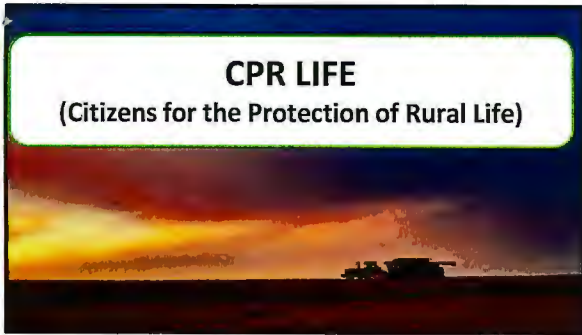


**We oppose the development of an RV Campground at Hwy 77 & Davey Road (SP19051).**

**We also oppose the lenient amendments proposed by the Camp A Way organization to the Lancaster County Zoning Ordinances (TX19009).**

**Our concerns include, but are not limited to, water availability and environmental impact of sewer/lagoon, highway safety, light/noise pollution, and general non-conformity with existing land uses.**

Printed Name	Signature	Address	Email address	Phone #
Brian P. Campbell	<i>Brian Campbell</i>	6030 DAVEY RD	brianc@campbellelectricinc.com	402-450-4687
Cassie Campbell	<i>Cassie Campbell</i>	6030 Davey Rd	CassieLCampbell@hotmail.com	402-430-2157
Denise Morton	<i>Denise Morton</i>	6405 N. 134th St.	denise@bestcoservices.com	402-430-1907
Sandy Schachenmeyer	<i>Sandy Schachenmeyer</i>	14900 Country Lane Lincoln NE		785-2285
Kent Simpson	<i>Kent Simpson</i>	6160 Rock Creek Rd	chopperflyinhigh@yahoo.com	402-217-3098
LaVon McLane	<i>LaVon McLane</i>	4307 29th Ave PL, Kearney NE	lvmc@earthlink.net	
Amanda Simpson	<i>Amanda Simpson</i>	6160 Rock Creek Rd	amandahanson2@yahoo.com	(402) 617-1896
Cindy Kaiser	<i>Cindy Kaiser</i>	3530 Elm St. Davey NE	kaiser0930@windstream.net	402-785-2945
Karen Edstrom	<i>Karen Edstrom</i>	3540 Elm St Davey NE	trapspt25@aol.com	402-785-2525
Mary J Sayers	<i>Mary J Sayers</i>	13932 S Cottonwood Dr Olathe KS		402-430-2325
Sheila Pries	<i>Sheila Pries</i>	10020 Raymond Dr Lincoln NE 68517	spriess863@aol.com	402-786-7363

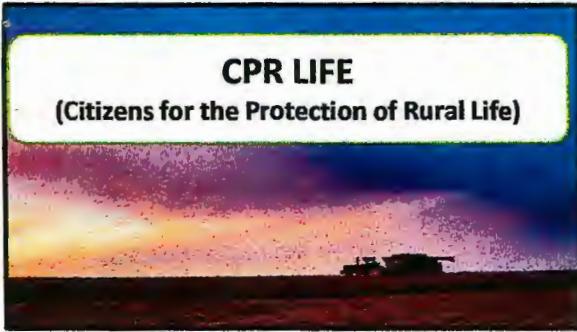


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Printed Name	Signature	Address	Email address	Phone #
Jason Hule	<i>Jason Hule</i>	800 W Davey Rd		402-785-5601
Rogere Isaacson	<i>Rogere Isaacson</i>	8701 Davey Rd		402-785-5325
Gary Isaacson	<i>Gary Isaacson</i>	8701 Davey Rd		402-785-5325
Gary Larsen	<i>Gary Larsen</i>	17575 N. 70 <sup>th</sup> St		402- <del>785-788</del> <sup>499-8881</sup>
Phyllis Larsen	<i>Phyllis Larsen</i>	17575 N. 70 <sup>th</sup> St		402-416-3502
Gary & Carol Sherman	<i>Carol Sherman</i> <i>Gary E. Sherman</i>	6305 Agnew Rd, <sup>Lincoln, NE</sup> 68017	caroljshe@gmail.com	402-890-9850
Christoph Hall	<i>Christoph Hall</i>	3525 Cedar St <sup>Davey Rd</sup> 68336	Christoph.Hall71@gmail	612-44-2468
Hannah Dovel	<i>Hannah Dovel</i>	1240 Peach St. <sup>Lincoln, NE</sup> 68502	hamdovel@gmail.com	(402)570-9244
Rogere Isaacson	<i>Rogere Isaacson</i>	8701 Davey Rd <sup>Lincoln, NE</sup> 68517		
David W. Nielsen	<i>David W. Nielsen</i>	7100 Raymond Road, Lincoln, NE 68517	davenielsen82@gmail.com	402 560-0106
Jerry L. Minchow	<i>Jerry L. Minchow</i>	8181 Davey Rd, Lincoln, NE 68517		

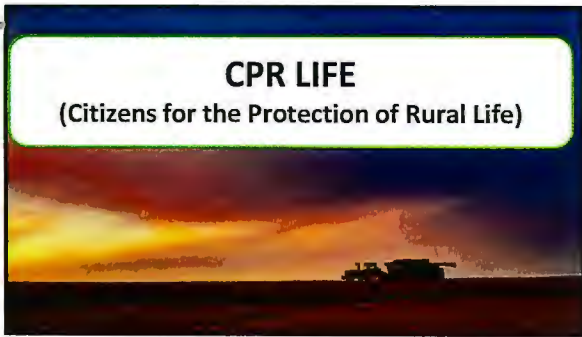


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Printed Name	Signature	Address	Email address	Phone #
Rebecca A. Campbell	<i>Rebecca Campbell</i>	1430 208th Dr. Seward, NE 68434	beckpac2766@gmail.com	402-641-2766
WALTER R. Campbell	<i>Walter R. Campbell</i>	1430 208th Dr. Seward, NE 68434	duff.campbell11@gmail.com	402 641 8893
Natalie Campbell	<i>Natalie Campbell</i>	4115 Vine St Roca NE 68430	nataliecampbell2012@gmail.com	402-803-9173
James Campbell	<i>James Campbell</i>	4115 Vine Street Roca NE 68430	thepowertovin@hotmail.com	402-803-9172
Jon D. SCHERNIKAW	<i>Jon D. Schernikaw</i>	635 S Sherman CARTWRIGHT, NE 68331	jon.schernikaw@gmail.com	402-450-0292
DAVID SCHERNIKAW	<i>David Schernikaw</i>	2038 Glenview Pkwy. 2038 Villages Tr. 3267	dave@fishermenrealty.com	407-230-9654
REBECCA SCHERNIKAW	<i>Rebecca Schernikaw</i>	2038 " "	"	407 230 9154
Gregory Zabka	<i>Gregory Zabka</i>	1768 Karol Key Blvd Seward, NE 68434	gndzabka@windstream.net	402-644-3913
Jack Broderick	<i>Jack Broderick</i>	2229 Avo Rd. Seward, NE	jack.broderick@comcastseward.org	402-641-3485
Doug Barker	<i>Doug Barker</i>	1411 205th Dr. Seward NE	dbarker1@gmail.com	402.641 2057
Lee Doehring	<i>Lee Doehring</i>	1444 208th Dr Seward NE	ldoehring@me.com	402-326 1366

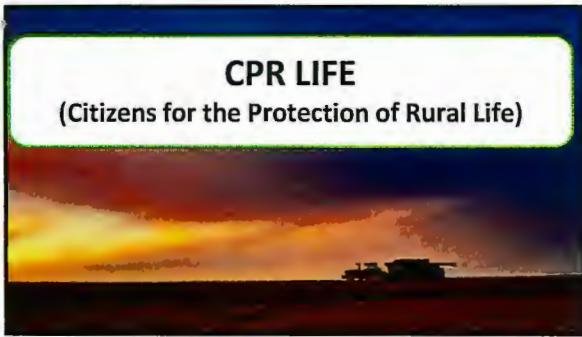


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Printed Name	Signature	Address	Email address	Phone #
Diane Black	<i>Diane Black</i>	4709 Rock Creek Rd		540-8947
Chris Knoche	<i>Chris Knoche</i>	6000 Rock Creek Rd		523-0387
WATIE FORTNER	<i>Watie Fortner</i>	17600 NBY		560-4101
Rich Fortner	<i>Rich Fortner</i>	"		432-2554
Herman Knoche	<i>Herman Knoche</i>	6000 Rock Creek Rd	dknoche@gmail.com	785-7585
Darlene Knoche	<i>Darlene Knoche</i>	6000 Rock Creek Rd		785-7585
Jim Oldfield	<i>Jim Oldfield</i>	219 Oak St Ceresco		840-3454
Cathy Hokenkamp	<i>Cathy Hokenkamp</i>	1362 Garnett Ave Wahoo, NE	Chakenkamp@gmail.com	(402) 802-7862
Mel Sloup	<i>Mel Sloup</i>	1362 garnett ave Wahoo ne 68066	" "	402-802-7862
David Hansson	<i>David Hansson</i>	3355 Ashland Rd. Ceresco, NE	- - - -	402-540-8988
Lois Ronhovde	<i>Lois Ronhovde</i>	16555 N 70th Wahook, NC 68517	ronhovde1961@aol.com	402-429-8233



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Printed Name	Signature	Address	Email address	Phone #
Rebecca Keep	Rebecca Keep	8601 Davey Rd Lincoln NE 68517	takeepster@gmail.com	402-456-9189
MARILYN KAHLER	Marilyn Kahler	3035 CEDAR DAVEY NE		402 785-3565
JOHN HULL	John Hull	7449 DAVEY RD LINCOLN NE 68517		307-630-4845
Crystal Gibson	Crystal Gibson	7449 Davey Rd. Lincoln NE 68517		307-622-8971
Craig & Renee Schrieder	Craig Schrieder	350 E Davey NE 68334	craig5@thunderalley.net	402 436 7235
BRAD ALLEN	Brad Allen	3640 Maple Box 113 Davey	gigfy1759@aol.com	402-304-2519
Martene Tracy	Martene Tracy	1500 N 24th St Lincoln NE 68517		
Scott Johnson	Scott Johnson	6333 Rock Creek Cresco NE 68517		402-560-9582
CRAIG STROEL	Craig Stroel	17330 N 84 68517		
Teri Nielsen	Teri Nielsen	17330 N. 84th St		
Pam Hull	Pam Hull	800 W Davey Rd		402 785 5611

**CPR LIFE**

(Citizens for the Protection of Rural Life)

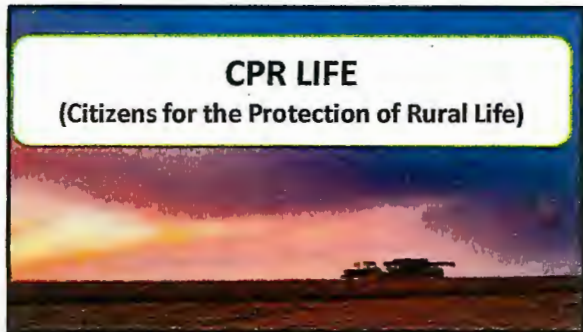


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Printed Name	Signature	Address	Email address	Phone #
John Buhr	<i>John Buhr</i>	Valparaiso, NE 68065 638 <del>Waver</del> st	_____	402 784-2245
Tom Neal	<i>Tom Neal</i>	Wahoo, NE 68086 1767 Co. Road #		402 277-0560
Lynn MAXSON	<i>Lynn Maxson</i>	421 BEECH Box 71 CERESCO, NE 68017		402-665-6201
Erma Walter	<i>Erma Walter</i>	112 N 3 <sup>rd</sup> - CERESCO 68017	_____	402-665-2139
Mary Trudy	<i>Mary Trudy</i>	6495 Little Salt CERESCO 68017		402- 785-2545
Brian Roland	<i>Brian Roland</i>	109 LAURA LANE 68017		402- 665- 2335
LANA TILSON	<i>Lana Tilson</i>	VALPARAISO 123 N PINE ST	_____	402- 890-0170
JACK JOHNSON	<i>Jack Johnson</i>	21305 NW 70th		402 310-8866
KEVIN STARK	<i>Kevin Stark</i>	634 DAVEY ROAD, DAVEY NE 68336	davey3229@windstream.net	402-785-7295
LARRY STARK	<i>Larry Stark</i>	324 Cord-19, CERESCO, NE 68017		402-784-2253
PAT STARK	<i>Pat Stark</i>	324 Co. Rd 19, CERESCO, NE 68017		402-784-2289



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Printed Name	Signature	Address	Email address	Phone #
Kelvin Nightengale	<i>[Signature]</i>	1209 S. 37 <sup>th</sup> St Lincoln, NE 68510	jknightengale05@gmail.com	402 314 9035
Melissa Rosene	<i>[Signature]</i>	4254 S 11 <sup>th</sup> Ln Cortland NE 68331	melenders1975@gmail.com	402-440-9069
Amy Hunt	<i>[Signature]</i>	6850 NW 7 <sup>th</sup> St Lincoln NE 68521	sparkygajla@hotmail.com	402-217-0913
DENISE NEVERUE	<i>[Signature]</i>	4609 Grassidge Rd, City 68516	deniseneverue@gmail.com	402-432-9913
Jessica Sedoris	<i>[Signature]</i>	4116 Lenox Ave, Lincoln NE 68510	Jessamecha104@gmail.com	402-419-1052
Sommer Harrison	<i>[Signature]</i>	7020 Holdrege St. Lincoln 68505	splietke@hotmail.com	402-432-2635
Alex Sedoris Sr	<i>[Signature]</i>	4116 Lenox Ave Lincoln NE 68510	_____	402-580-0461
Alex Sedoris Jr	<i>[Signature]</i>	4116 Lenox Av Lincoln NE 68510	_____	402-304-1540
Jill Gansener	<i>[Signature]</i>	2700 S 154 <sup>th</sup> Walton 68461	gansenerj@yahoo.com	402-484-3070
Corie Gorton	<i>[Signature]</i>	2818 H Rd, Syracuse, 68446	Corki3333@yahoo.com	402-269-5081
Nicole Tietz	<i>[Signature]</i>	115 Snow Valley Circle Palmyra, NE 68418	nicolamune689@yahoo.com	402-429-8254

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Printed Name	Signature	Address	Email address	Phone #
Jeremiah Durksen	<i>[Signature]</i>	761 N Sycamore Wahoo NE 68066	jeremich@diodacom.net	402-537-9176
Sarah Giggler	<i>[Signature]</i>	211 Curtis Wahoo NE 68066	sg.giggler@hotmail.com	402-525-7483
Joni Durksen	<i>[Signature]</i>	761 N Sycamore Wahoo, NE 68066	jjdurksene@hotmail.com	402-724-7750
Heather Potter	<i>[Signature]</i>	3048 County Rd A Valparaiso NE 68088	potter_4@hotmail.com	402-432-4802
Jill Rattkovec	<i>[Signature]</i>	2420 31 RD Brainard, NE 68006	jill.rattkovec@aol.com	402-641-3583
Sandy Schachenmeyer	<i>[Signature]</i>	14900 County Rd. Lincoln, NE 68517	sandydorene68@gmail.com	402-318-2464
James Marsh	<i>[Signature]</i>	125 Cameron St, Ceresco, NE 68017	jmarsh5457@windstream.net	402-665-5487
<i>[Signature]</i>	<i>[Signature]</i>	105 S Main Ceresco	_____	402-665-3911
Judy White	<i>[Signature]</i>	19030 NW 112, Raymond	Judy.white1941@gmail.com	402-314-0614
Emmy Norton	<i>[Signature]</i>	705 3 <sup>rd</sup> South St	imnorton@hotmail.com	402-860-2212
Krista Zobel	<i>[Signature]</i>	13050 N 14 <sup>th</sup> Raymond 68428	Kristazobel@gmail.com	402-440-5587

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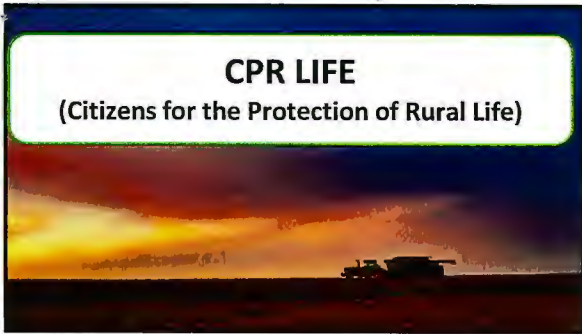


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Printed Name	Signature	Address	Email address	Phone #
	<i>R. Lichtenberger</i>	704 Pine Ceresco NE	<i>[Signature]</i>	
	<i>Juan Lichtenberger</i>	704 Pine Ceresco NE	<i>[Signature]</i>	
	<i>Bob &amp; Deep Walla</i>			
	<i>Larry Kallemeier</i>	1520 CR-B Ceresco		
	<i>Shirley Fickmeier</i>	20655 N. 80 <sup>th</sup> Ceresco	saeichmeier@hotmail.com	
	<i>Matt Norlen</i>	705 S. 3 <sup>rd</sup> St., Ceresco	imnorlen@hotmail.com	
	<i>Patricia Walla</i>	209 W. Pine St. Ceresco NE	pattw79@gmail.com	402-318-2820



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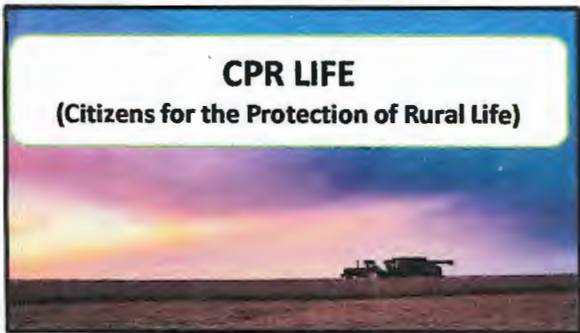
Printed Name	Signature	Address	Email address	Phone #
DENISE KAISER	<i>[Signature]</i>	5590 Davey Rd Ceresco NE 68017	28kaiser@gmail.com	402 525 7040
BRIAN KAISER	<i>[Signature]</i>	5590 Davey Rd Ceresco NE 68017	bkaiser4@gmail.com	402 518 0145
PHIL PFEIFFER	<i>[Signature]</i>	15746 N 56 ST Lincoln, NE 68514	<del>phillpfeiffer@aol.com</del> phillpfeiffer@aol.com	402 429 3181
Kay Mellen	<i>[Signature]</i>	17800 No 84th Lincoln NE 68517		402-785-2089
Timothy J. Kubicek	<i>[Signature]</i>	18507 N 70th St Ceresco, NE 68017	t.j.kubi69@gmail.com	402 450 2062
DOUG & ELAINE SWANSON	<i>[Signature]</i>	5507 DAVEY RD. CERESCO, NE 68017	DougSwansonFord@gmail.com elaine@swanson	402 430 3334 402 525 6803
Martha Minchow	<i>[Signature]</i>	8181 Davey Rd. Lincoln 68517	martyminchow@hotmail.com	402-785-7885











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Printed Name	Signature	Address	Email address	Phone #
Tony Fisher	<i>Anthony C. Fisher</i>	5601 Agnew Rd <sup>68017</sup> Ceresco		402 785-2034
Christina M Fisher	<i>Christina M Fisher</i>	5601 Agnew Road Ceresco NE 68017		(402)785-2031
Kenneth M. White	<i>Kenneth M White</i>	19030 NW 112 Raymond, Wc 68428		402-416-8216
Martin Gerdes	<i>Martin Gerdes</i>	3500 West Little Salt Rd Valparaiso Ne 68065		402-525-1712
Gary Otto	<i>Gary Otto</i>	1430 Cordia Ceresco Neb. <sup>68017</sup>		402-450-7073
Alex L. Lowell	<i>Alex L. Lowell</i>	4821 Thomasbrook Ln 68516		402-580-1758
ARNOLD D. LOWELL	<i>Arnold D. Lowell</i>	444 WEST FINE CERESCO 68017		402-580-1767



## Testimony in opposition to TX19009

My name is Becky Keep and I live at 8601 Davey Road,  
Lincoln.

I am here today to speak in opposition text amendment 19009  
creating campgrounds under AG zoning in Article 13.014.

While I don't believe campgrounds belong in AG or AGR at all,  
I will go on and address subparagraphs a. and b. of the proposed  
ordinance. The proposed language in a. calls for a minimum 40  
campsites with a water supply and sewage disposal, etc., and b.  
provides for the setbacks to be 50' front and 60' rear. This is  
wholly inadequate.

Campgrounds in AG zoning should be given the same  
conditions as the City campground ordinance in Article  
27.63.270, subs a-c. Since campgrounds in both cities and rural  
areas can have similar population density and proximity to  
neighboring homes, the Municipal ordinance could easily be

applied in rural areas as well. Why create a second set of regulations with no other rationale other than it's what a special permit applicant is asking for?

I also suggest that you include additional language in .b to provide screening from adjacent property, as described in the staff report. Our reason for screening is aesthetics, highway safety, and adjacent farming activity. Thank you.

# **TITLE 27 ZONING**

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## **Chapter 27.63 SPECIAL PERMITS**

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### **27.63.270 Campgrounds.**

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Campgrounds for tents, tent-trailers, and recreational vehicles may be allowed by special permit in the AG and AGR zoning districts under the following conditions:

- a. Each campsite shall contain at least 2,500 square feet. The campsite shall be so designed that the required 2,500 square feet can be enclosed within a rectangle of which one side shall not exceed three times any other side.
- b. The campground shall be supplied with a water supply and sewage disposal facilities, including washing, toilets, and similar facilities, all of which meet all applicable city codes and regulations.
- c. A side yard of fifty feet and a front yard of 100 feet shall be maintained on the campground; provided, however, that the 100-foot front yard requirement may be waived if the front yard abuts on a public street which has a right-of-way width of 200 feet or more.

Ordinance Text Amendment #19009

Dec. 4, 2019

My name is Phyllis Larsen and I live at 17575 N 70<sup>th</sup> St, Lincoln. I'm interested in the proposed ordinance text amendment. Much of the verbiage has been developed by the special permit applicant. This approach is sure to meet business needs, but not necessarily public needs.

Rather than create a whole new set of rules, I propose using the ones currently in place in Lincoln's Municipal Code 27.63.270. County campgrounds can have just as dense a population and just as much impact on neighboring homes as those in the city. So if the Municipal code is working in Lincoln, it should work in the county, too.

I'm especially interested in this part of the Municipal Code.

"No campground may be occupied by the same person or persons for more than 30 days in any calendar year. "(part f.)

This succinctly specifies the amount of time someone can spend in a campground and prevents it from becoming a mobile home park with long term residents who simply want cheap housing.

A 30-day rule is also consistent with County Zoning Regulation 2.004.

It defines a Campground as a parcel of land intended for temporary occupancy by a tent, tent trailer, or recreational vehicle. **Temporary occupancy** are the key words here. Anything more than that and the campground becomes a residence.

Campgrounds being used as residences is a well documented trend all over the country—especially for temporary construction workers. A recent headline in the Omaha World-Herald said "They Aren't Camping, it's Home." It describes temporary construction workers who choose to live in RVs rather than pay for extended stay motels.

[https://www.omaha.com/special\\_sections/outlook/they-aren-t-camping-it-s-home/article\\_051b2b21-4c85-5d23-a720-4ff2531e68b3.html](https://www.omaha.com/special_sections/outlook/they-aren-t-camping-it-s-home/article_051b2b21-4c85-5d23-a720-4ff2531e68b3.html)

But why allow people looking for cheap, long term housing to take up residence on land that's zoned for agriculture? Why create a densely populated trailer town thinly disguised as a recreation campground? It stresses area resources and is contrary to the county's Comprehensive Plan. The plan specifically mentions preservation of ag land over and over. It's in sections 2.7, 5.5, 5.4, 7.12, 7.2, 12.4 and so on.

If campgrounds truly are a "parcel of land intended for temporary occupancy," as defined in County Zoning, then the Lincoln Municipal Code is a good model. The Code's 30-days in a calendar year rule is exactly what we need.

Please protect rural neighborhoods just as much as those in Lincoln. We need your support to create an ordinance that prevents not encourages creation of densely populated trailer towns with long term residents. 30-day stays are enough in a recreational campground.

Thanks for listening.

My name is Martha Minchow. I live at 8181 Davey Rd. Our family owns land within 1 mile as well as across the road from this proposed site.

Pulling from the Text Amendment #19009, under Key Quotes from the 2040 Comprehensive Plan, P.5.4- the last sentence states:“ Farms of all sizes make purchase of goods and services in the city and county throughout the year, which contributes to the local tax base and sustain growth for other business in the agriculture industry.”

I would like to share one example that shows how important this is.

Let's take into account just the purchase of one tractor tire for \$1700-\$2000. That one purchase generates around \$93-\$110 in taxes, which allows a business to remain open and offer employment to numerous individuals. These employees will then be using their salary to make other purchases which will in turn generate even more tax dollars.

Whenever land is taken out of agricultural production, there will be an impact on our economic health.

Will our county recoup a similar amount of return on 'purchases of goods and services in the city and county...' from the visitors at the campgrounds?

P. 12.4 In part states: "...Agricultural land may be in transition to more diversified agribusiness ventures"

Tell me how a campground is a 'more diversified agribusiness venture'?

In conclusion, under Lincoln Municipal Code, Title 27 Zoning, Chapter 27.63 Special Permits, 27.63.270 Campgrounds, there are nine conditions listed. Why are these being modified? It would seem that the developers of the site at Highway 77 and Davey Rd. are tailoring these conditions to meet their wishes. Do you really desire to have these altered conditions to be the standard for all future campgrounds in AG and AGR districts?

Thank you. Do you have any questions?

Planning Commissioner,

I am Carol Sherman and I speak today on behalf of my husband Gary & myself. We live on our farm at 6305 Agnew Rd. I speak in opposition to the suggested text for TX#19009.

The Lincoln Municipal Code, Title 27 Zoning, Chapter 27.63 Special Permit, 27.63.270 Campgrounds.

We urge you to adopt the above Lincoln code as written, for use in Lancaster County for Campgrounds. There is no need to change any of the language or pick only part of it and change other parts as suggested in TX#19009..

Thank You,

Carol J Sherman

Testimony—Ordinance Text Amendment #19009

Dec. 4, 2019

My name is Christoph Hall and I'm a fourth-generation farmer. I live in Davey and farm the land adjoining the special permit application area.

I'd like to address this part of the proposed text amendment: "A front yard setback of fifty (50) feet and side and rear yard setbacks of sixty (60) feet shall be maintained on the campground."

In Lancaster Zoning Article 4.017, Height and Area Regulations are addressed.

Resolution R-18-0078 specifies that land zoned as Ag district requires a front yard of 50 feet, 60 feet on the sides and 100 on the back yard.

The staff report on this amendment says "a 60' setback on the side and rear lot lines provides a sufficient setback to adjacent properties." I disagree and support having at least 60 feet on the sides and 100 feet on the back for safety reasons.

This campground is described as being family friendly. People may decide to go exploring not knowing the boundaries and not knowing the inherent dangers. For example, have you ever touched an electric fence?

Or picture this. I'm driving a 15,000 pound, 16 foot wide combine through corn that's about 7 feet tall. It's thick—you can't see through it. The combine is filled with 5 tons of grain. It's noisy and dense dust is in the air. It's all part of harvest season. Then a child darts out in front of me and there's no way I have time to stop.

Or imagine sitting outside your RV as a tractor applying anhydrous ammonia drives past. Farmers are trained in safety measures but in certain environmental conditions, the gas can drift. You should know that exposure can irritate the skin burn your throat and lungs, and burn your eyes, causing temporary or permanent blindness.

Safety and liability are real issues here. How about adding this safety measure to the ordinance?

In Iowa, commercial campground zoning says: "Rear and/or side yards shall be screened from adjacent property by a planting screen not less than ten feet in width and six feet in height or by a fence, wall, berm or other comparable means."

( <https://www.boonecounty.iowa.gov/home/showdocument?id=355> )

Requiring a fence and other barriers between campground users and adjacent properties sounds like a good idea. I encourage you to add it to the proposed text amendment. Also please increase the setbacks to at least 100 feet.

###

My name is Karen Kurbis. I have resided on the road less traveled at 17500 N. 84<sup>th</sup> Street for twenty nine years. My daily commute to work goes past the proposed campground access on Davey Road. I am a member of CPR Life (Citizens for the Protection of Rural Life). Our members reside in various parts of the county and we have been corresponding with our counterparts in northwest Lancaster County in regards to the campground text amendment.

I am opposed to the proposed language in the Text Amendment TX91009. I consider this to be a watered down version of the Lincoln Municipal Code for Campgrounds. It appears to be focused more on the current special permit application desires than a comprehensive county wide ordinance.

Several items were left out that I consider significant.

- **No mobile homes shall be located in any campground.** *I have visited several campgrounds in an effort to more fully understand the nature of the campground. I found too many RVs that gave the flavor of a trailer park. Skirting made of various materials from green indoor/outdoor carpeting, Styrofoam, plywood, cloth, and plastic landscape materials were seen at Camp A Way, Pine Grove, and the Gretna KOA campgrounds.*
- **All special permits issued under this section are temporary and valid during the period that the campground and associated facilities comply with the provisions of this title and all other applicable ordinances and regulations.** *We have witnessed too many times the start-up of special permits followed by failure to follow the conditions of the special permit. Without this guideline we have little recourse to engage the county offices in following up on non-compliance.*
- **All Campground operators shall keep accurate records as to the length of time a person stays in the campground, and shall make records available to the county upon request.** This should be modified to include "An annual report will be filed with Building and Safety or other applicable County Department. This report should be available for public access.

My lack of faith in the county oversight can be demonstrated in several examples but I will limit it to one of the soil mining special permits. SP08017 originated in 2008, but the site was not opened and in accordance with the conditions the permit expired. It was renewed in 2009 and again in 2013 for a 3 year period. As a member of the Soil Mining Task Force I am aware that one of the conditions is that the land must be 'reclaimed' and top soil redistributed on the land. As part of the mining process, the top soil is removed from the surface and collected in storage area berms during the mining process. As you will see in the photo taken a few weeks ago, the topsoil was never returned to the land and consequently the land reclamation was not completed.



On March 3<sup>rd</sup> of 2016 there was a Rega Engineering Group request to Tom Cajka, Planner, to close out permit & subsequent release of performance bond.

On March 4th of 2016 there was a Memorandum from Tom Cajka (Planning Dept.) to Rick Peo (City Attorney Office) stating “enclosed letter signed by a licensed engineer states that the **requirements have been met**....Please release the \$9,870 performance bond”.

On March 10th of 2016 there is an Order signed by David Cary (Planning Director) to release “\$9,870 to **guarantee the final reclamation plan** as required for Special Permit No 08017B as the **final grading and drainage have been satisfactorily completed**”.

Why is the planning department releasing performance bonds when the conditions of special permits are not completed?

The availability of access to the length of stay is really our only opportunity to monitor the compliance of the campground stays. In a conversation with Tom Cajka prior to Thanksgiving, Marlene Tracy inquired who was going to monitor the length of stays and he smiled and said “the neighbors”. Unfortunately we have seen too many special permits approved and the county fails to do any monitoring to insure the conditions are followed. At the informational meeting with the Queens on October 11<sup>th</sup>, I expressed this concern with Tom Cajka and he insisted that there are processes in place to ensure compliance. I responded that is not the standard that we have witnessed and mentioned the soil mining site on Hwy 77 near Bluff Road. This is soil mining site that he signed off on.

I use the soil mining permit as an example of why the public should be entitled to access campground length of stay reports. Once a soil mining permit is issued, there is no further monitoring unless initiated by public complaint. I have no faith that this proposed special permit would be any different.

I would like to propose that campground annual reports, or others as requested by the county, contains the camper’s name, a unique number assigned to the camper for all their future visits, RV license number (this would eliminate the potential to game the system by registering under a different name), campsite number,

date of arrival, and date of departure. If campgrounds provided this information in a spreadsheet the county could easily remove the camper's name and provide the rest of the data for public access.

Another neighbor mentioned the potential for a task force. I believe that this special permit application should be delayed to consider the potential of a task force or at least spend more time to enhance the proposed text amendment. As a prior member of the Motorsports Task Force and the Soil Mining Task Force, I would appreciate the opportunity to serve on a Campground Task Force should the County Board authorize one.

Thank you for your time.

**Ground Water Q & A (Lincoln Capital Campground)  
Lower Platte South Natural Resources District**

- 1. What is the NRD's role and responsibilities for campground facilities?** The NRD's primary responsibility would be to issue a well permit(s), if they meet the NRD's regulatory requirements. However, any well used for domestic supply that pumps 50 gallons per minute (gpm) or less is statutorily exempt from the NRD permitting process.
- 2. What is the ground water situation in the area?** Please refer to the Geologic and Ground Water Background Information provided by NRD Water Resources Specialist, Dick Ehrman. A quick summary is that there are seven registered wells in the area and ground water availability is variable.
- 3. What is the ground water availability of the Lincoln Capital Campground site?** The onsite well registration and log indicates an initial capability of producing up to 100 gpm with a drawdown of 12 feet; an aquifer test would provide more information on long-term ground water availability. The NRD's Ground Water Rules & Regulations require an aquifer test and hydrogeologic analysis if a permitted well pumps more than 25 acre-feet or 8.146M gallons per year. The annual anticipated ground water to be pumped does not appear to be near that amount. The NRD contracted to obtain AEM (Airborne Electromagnetic) geophysical surveys to provide additional information on ground water availability in this area and also much of the NRD, and this information should be available this winter. Drilling test holes, an aquifer test, and hydrogeologic analysis would provide "better" information.
- 4. How much water do we anticipate Lincoln Capital Campground will need?** The information presented by Civil Design Group, based on use at the current Camp-a-Way site, indicates a peak July/August use of 68.9 gallons per campsite per day. For the 240 campsites this would be a total of slightly more than one million gallons or just over three acre-feet for the 62 days in these months. For comparison, a center pivot irrigation system pumping 750 gpm produces about this same amount in a 24-hour period. Civil Design Group states that use drops off significantly during off-peak months.
- 5. Has Lincoln Capital Campground applied to the NRD for a well permit(s)?** No, not at this time. The onsite registered well (G-187885) is registered as a domestic well pumping 50 gpm, which by statute exempts it from LPSNRD's well permitting process.
- 6. What are the requirements for obtaining a well permit for this use?** As mentioned, a domestic well pumping 50 gpm or less does not require a permit from the NRD. A domestic well pumping more than 50 gpm or a non-domestic well pumping more than 20 gpm would require a Class 3 permit (Remaining Area; >20 gpm but <250 gpm and less than 25 acre-feet per year), so the requirements would be to complete the preliminary permit and permit applications, maintain spacing requirements (>600' from preexisting registered wells w/ higher preference of use). Once the well is constructed, they'll need to pump it at 100% of capacity for 24 hours, then sample and submit analyses for sodium, chloride, and TDS. The well(s) would need to be equipped with flow meters and the use will be reported to the NRD on an annual basis. In addition, there may be additional requirements mandated by USEPA and Nebraska health authorities for testing, construction, etc. if this well(s) meet the criteria for a public water supply.
- 7. Ground water quality and contamination potential?** See the report, the bottom line is that we don't have evidence of widespread nitrate problems in the immediate area but the area around

## **Ground Water Q & A (Lincoln Capital Campground) Lower Platte South Natural Resources District**

the Village of Davey a few miles west is a Phase II management area for nitrate. Nuisance constituents like iron and TDS (total dissolved solids) can cause issues. Contamination potential depends mostly on how land use is managed, but in general this part of our District has fairly thick sequences of silt and clay near the surface which means a fairly low potential for ground water contamination.

### **8. Other Ground water facts....**

- Ground water usage in Nebraska is based on "correlative rights" which means ground water users share in times of abundance and shortage.
- Nebraska's Constitution gives first preference to domestic water usage, followed by agricultural and industrial usages. It appears that the well for this site would be classified for domestic use.
- To enforce a ground water right legally, an individual needs to work through the court system.

well capacity = 100 gpm

Hwy. 77

20

340' Deep  
130' W.L.  
40' of Sand stone

X ←

DAVEY RD

21

22

paper for pump only?  
w.l. 114' - 285' deep  
pump does 15 gpm

~~Log~~  
5' of Sand Stone

X ←

Dave Owen project →

264' Deep 46' of Sand stone  
138' Water level  
air tested 100 gpm

29

28

188' Deep  
100' W.L.  
43' Sand Stone  
air test 30 gpm →

27

X ←

275' deep  
170' W.L.  
35' Sand Stone  
air tested 50 gpm

X →

Branch Oak Rd

305' deep  
170 water level  
20' sand stone  
pump only does 15 gpm

32

33

34

Hwy 77

X

206' deep  
170' W.L.  
pump does 15 gpm  
32' of Sand stone

Section # 20 : 340' deep well - 130' water level  
and Sand Stone 40' thick  
Driller's report of well tested at 100 gpm

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Section # 29 : 305' deep well - 170' water level  
and Sand Stone 20' thick  
Pump does 15 gpm

---

Section # 28 : ~~= 2 wells :~~  
264' deep well - 138' water level  
and Sandstone is 46' thick.  
Drillers report ~~of~~ well ~~is~~ tested at 100 gpm  
Pump does 50 gpm

---

285' deep well - 114' water level  
and Sandstone is 5' thick  
Pump does 15 gpm

---

Section # 27 = 2 wells :

275' deep well - 170' water level  
Sand Stone is 35' thick - ~~Driller~~ driller tested at 50 gpm

---

188' deep well - 100' water level  
Sandstone is 43' thick - driller tested at 30 gpm

---

Section # 34 = 206' deep well - 120' water level  
Sand Stone is 32' thick and pump does 15 gpm

Section 20

Registration#	County Name	NRD Name	Completion Date	Acres Irrigated	Pump	Owner's Name
Well ID	Well Location	Well Footage	Filing Date	Gallons/Minute	Column Diameter	Owner's ID
Permit Number	Use Status	Latitude Longitude	Decommission Date	Static Level	Pump Depth	Owner's ID Address
			Times Replaced	Pumping Level Series	Well Depth	
			Online Registration ID (NOLID)			
G-184858	D	Lancaster	4/24/2018	---	---	Sheldon
WellID: 252313	I	Lower Platte	5/7/2018	---	---	Scott
<a href="#">View Details</a>		South		130 ft	340 ft	Pohlman
<a href="#">View Logs</a>		12N 7E 20	15255275781384	---		OwnerID: 78039
<a href="#">View Scans</a>		SWSW		PRO		4300 Davey Road
		171S				Davey NE
		741W				68336
		Map It				
		40°59'				
		16.10"				
		96°39'				
		30.49"				

Next

- Data copy of requested wells.
- Data copy of Geo Logs for requested wells.
- Data copy of Casing Screen for requested wells.
- Data copy of Grout Gravel for requested wells.
- Data copy of requested contacts.

Legend and Notes

**Well Registration or Area Permit**

Fee Paid: \$70.00 HHSS Fee: \$30.00  
 DNR Cash Fund: \$18.50 WWDF: \$21.50  
 Billing ID: 60709

Source: Nebraska On Line Import Status: Accepted Use: Domestic Owner ID: 78039

Nol ID: 15255275781384 Status: Inactive Well (Well is not Pumping) Decommission Date: --- Registration Number: G-184858

Well ID: 252313 NRD: Lower Platte South Registration Date: 5/7/2018

Last Change User: maggie.wesely Call Up Code: --- Call Up Date: --- Last Change Date: 5/7/2018

Owner:  Show previous owners

ContactID	Type	SeqNum	Begin Date	End Date	Name
<u>78039</u>	<u>Owner 1</u>	<u>---</u>	<u>5/7/2018</u>	<u>---</u>	<u>Pohlman, Sheldon Scott</u>

Section 20

Contractor: 

Certificate ID	FirstName	LastName
<u>39051</u>	<u>Ben</u>	<u>Earnest</u>

Drilling Firm: 

EmployerID	Employer
<u>159015</u>	<u>Earnest Well Drilling Inc.</u>

- A. Well Location: SW1/4SW1/4 of Section 20  
 Township 12 North, Range 7 (East E/W), Lancaster County
- B. Natural Resource District: Lower Platte South
- Well GPS Coordinates: Latitude 40° 59' 16.10" Longitude -096° 39' 30.49" GPS Required ---  
 Lat/Long DD 40.98781 -96.65847
- C. The well is: 171 feet from the S Section line and 741 feet from the W section line.
- D. Street address or block, lot and subdivision: Addr/Sub Div same Block No --- Lot ---
- E. Location of water use, if applicable (give legal description): same
- G. Well reference letter(s) if applicable: ---
- Well In A Series ---  
 Well Part of a Series with Site Plan: No

Series	# of Wells Reg	Total # Wells	Acres	Acres Cert	NRD	Appr	StartDate	EndDate	Comment	Series Reg Num (External Source)	Code	Description	Wells in the Series								
<u>258880</u>	<u>---</u>	<u>---</u>	<u>No</u>	<u>No</u>	<u>---</u>	<u>---</u>	<u>4/24/2018</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>PRO</u>	<u>Single Project</u>	<table border="1"> <thead> <tr> <th>WellID</th> <th>RegCD</th> <th>StartDate</th> <th>EndDate</th> </tr> </thead> <tbody> <tr> <td><u>252313</u></td> <td><u>G-</u></td> <td><u>4/24/2018</u></td> <td><u>---</u></td> </tr> </tbody> </table>	WellID	RegCD	StartDate	EndDate	<u>252313</u>	<u>G-</u>	<u>4/24/2018</u>	<u>---</u>
WellID	RegCD	StartDate	EndDate																		
<u>252313</u>	<u>G-</u>	<u>4/24/2018</u>	<u>---</u>																		

Permits

	Aprvd Date(s)		Aprvd Date(s)
Area Permit	<u>---</u>	SWater App Code	<u>---</u>
GeoPermit	<u>---</u>	Industrial	<u>---</u>
MWF	<u>---</u>	Transfer	<u>---</u>
WSP	<u>---</u>	Swater Conduct Code	<u>---</u>
HHSS	<u>---</u>	Other	<u>---</u>
HHSS PWS ID	<u>---</u>	ITN	<u>---</u>
NDEQ	<u>---</u>		

5. Purpose of Well Domestic  
 Other Use ---  
 Notes ---
7. Replacement well information. Well Considered a replacement by NRD(WellID, RegCD)
- A. Is this well a Replacement well? No Repl No --- NRD Approval Date --- Well Replacement Reg CD ---
- B. Registration number of abandoned well: --- If not registered, date abandoned well was constructed ---
- C. Abandoned well last operated --- D. Replacement well is --- feet from abandoned well.
- E. Original well pump column size: --- inches.
- F.  Original water well decommissioned ---  
 I hereby certify that the original water well will be decommissioned within 180 days after such construction of the replacement water well.  
 I hereby certify that the original water well will be modified and equipped to pump 50 gallons per minute or less within 180 days after such construction of the replacement water well.  
 Livestock  
 Monitoring  
 Observation  
 Nonconsumptive or de minimus use approved by the applicable natural resources district. ---  
 Decommission/Modification certification form is submitted by landowner (Must be submitted before registering)

well)

G. Location of water use of original well: \_\_\_\_\_

Decommission Information

Decommission Date: \_\_\_\_\_ By \_\_\_\_\_

Pump Information

- A. Is Pump installed at this time? No Pump present but Well Inactive: No
- Free Flowing Well: No Well active, no pump installed: No
- B. License No. \_\_\_\_\_
- C. Pumping Rate \_\_\_\_\_ gallons per minute. D. Pumping water level \_\_\_\_\_ feet.
- E. Drop pipe diameter \_\_\_\_\_ inches. F. Length of pipe \_\_\_\_\_ in feet.
- G. Pump equipment installed: \_\_\_\_\_ H. Pump Brand/Type \_\_\_\_\_
- I. Will this well be used to pump 50 gpm or less? Yes



Well Construction Information

- A. Total well depth: 340 feet. B. Static water level 130 feet.
- C. Well Construction began: 4/23/2018 D. Well Construction Completed: 4/24/2018 Days To Register: 13
- E. Bore hole diameter in inches. Top 9 Bottom 9
- F. Casing and Screen Joints are: Glued Other Joints description: \_\_\_\_\_
- H. Total Estimate Capacity of Well 100 gallons per minute. I. Pumping water level at capacity: 340 feet.

10. Well Construction (Casing & Screen) - c, d, e & f measurements should be in inches to three decimal places  
Record Count = 2

WellID	FromDepth*	ToDepth*	Case/Screen	InsideDiam	OutsideDiam	CaseThickness	ScrnSlotSize	Material	ScreenName
252313	0	320	casing	4	4.5	0.237		PVC	Cresline
252313	320	340	screen	4	4.5	0.237	0.018	PVC	Jet Stream

\* are in Feet, all else is in inches

11. Grout and Gravel Pack

Record Count = 3

WellID	FromDepth	ToDepth	Grout/Gravel	Material Description <sup>1</sup>	Quantity Gravel <sup>2</sup>	Volume & Type Grout <sup>3</sup>
252313	0	285	grout	Ben Seal Easy Mud Grout		408 Gals of Slurry
252313	285	300	grout	Bentonite Hole Plug		5-50# Bags 3/4inch Chips
252313	300	340	gravel	Engineered Well Pack	35-50# Buckets Norther 0	

\* are in Feet, all else is in inches

<sup>1</sup>Description of gravel pack, i.e. engineered gravel pack, or gravel pit description (1/4 down) or brand name (best sand) natural formation, drilling cuttings, soil backfill

<sup>2</sup>Quantity #cubic yards, #Tons, #Sacks - (for drilling cuttings and soil backfill estimate quantity) Calculation assistance available on web

<sup>3</sup>Volume & Type: #gallons of a slurry, #Barrels of a slurry, #sacks used in the slurry, #Bags of non-slurry bentonite (chip-pellet-granular)

12. Well Geologic Materials Logged

WellID	FromDepth*	ToDepth*	Type	Hardness	Color	Other/Drilling Action
252313	0	42	Clay	Dense/Stiff	Brown	
252313	42	45	Fine Sand	Soft	Brown	
252313	45	52	Clay	Dense/Stiff	Gray Brown	
252313	52	56	Fine Sand	Soft	Brown	
252313	56	60	Clay	Dense/Stiff	Brown	
252313	60	79	Fine Sand	Soft	Brown	
252313	79	94	Clay	Dense/Stiff	Brown Gray	
252313	94	99	Clay	Dense/Stiff	Blue Gray	
252313	99	103	Fine Sand	Soft	Gray	
252313	103	115	Clay	Dense/Stiff	Black Gray	
252313	115	123	Clay	Dense/Stiff	Brown Gray	
252313	123	140	Clay	Dense/Stiff	Gray	
252313	140	142	Clay	Dense/Stiff	Brown	
252313	142	162	Clay	Dense/Stiff	Gray	
252313	162	219	Clay	Dense/Stiff	Red Gray	
252313	219	231	Sandstone	Hard	Brown	
252313	231	242	Clay	Dense/Stiff	Blue	
252313	242	265	Clay	Dense/Stiff	Red	
252313	265	282	Clay	Hard	Gray	
252313	282	287	Clay	Hard	Red	
252313	287	298	Clay	Dense/Stiff	Gray Red	
252313	298	340	Sandstone	Hard	Tan	

\* are in Feet.



# Section 27

## WATER WELL DATA SHEET

LOCATION: 3 1/2 miles East of Hwy DATE: 2-13-74 COUNTY: Lancaster

OWNER: Jerry Minchow

DRILLER: Merwin

5-74

STATIC WATER LEVEL: about 100' from top ELEVATION: \_\_\_\_\_

well. 188' deep.  
4" X 10" gator 18 slot screen.  
gravel packed with fine  
gravel.

test at a strong 30 G.P.M.  
with no noticeable of sand  
when I quit pumping with air

0-2 blk dirt

2-8 lite red

8-40 red clay

40-50 gray clay

50-110 layers of red, lite  
blue + grey clay with  
a few thin layers of dirty  
sand from 60'-75' and  
from 75'-90' particles of  
limestone.

110'-120 - lite blue clay

120-135' layers of Red, white  
and yellow clay.

135-152' lite blue clay with  
layers of white clay and very  
hard.

152'-195' very fine lite colored  
sandstone

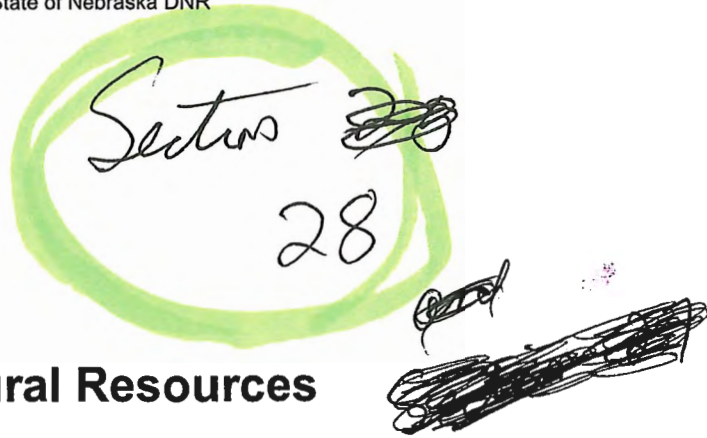
195-205 - red clay and  
black shale mixture and  
very hard.

LANCASTER / ROCK CREEK

T 12

R 7

SEC 27



# Return to Search Page Nebraska Department of Natural Resources

Database Through: 10/25/2019  
Processed: 10/25/2019 12:05:20 PM

## REGISTERED GROUNDWATER WELLS DATA RETRIEVAL Search Results Maximum 1000 Per Page

### Note:

Information on Public Water Supply Wells is not available through this interface. Contact the Department of Natural Resources (Data Bank) at 402-471-2363 for more information. All registration documentation for water wells registered after January 1, 1969, except Public Water Supply wells, are now available.

Due to possibility of a well being in more than one series, an individual well might be listed more than once.

2 Records Found

Registration#	County	Completion Date	Acres Irrigated	Pump	Owner's
Well ID	Name	Filing Date	Gallons/Minute	Column	Name
Permit	NRD Name	Decommission	Static Level	Diameter	Owner's ID
Number	Well	Date	Pumping Level	Pump Depth	Address
Use	Location	Times Replaced	Series	Well Depth	
Status	Footage	Online Registration			
	Latitude	ID (NOLID)			
	Longitude				
G-160163	Lancaster	4/6/2011	---	1.25 in	Dennis
WellID: 212450	Lower Platte	8/26/2011	15 gpm	160 ft	Swanstrom
View Details	South		114 ft	285 ft	OwnerID:
View Logs	12N 7E 28	1314301111369	153 ft		117802
View Scans	NENW		PRO		16705 X
	Map It				Street
	40°59'				Omaha NE
	11.20"				68135
	96°38'				
	2.00"				

Section 28

Registration#	Use	County Name	Completion Date	Acres Irrigated	Pump	Owner's Name
Well ID	Status	NRD Name	Filing Date	Gallons/Minute	Column Diameter	Owner's ID
Permit Number		Well Location	Decommission Date	Static Level	Pump Depth	Address
		Footage	Times Replaced	Pumping Level Series	Well Depth	
		Latitude	Online Registration ID (NOLID)			
		Longitude				
G-187885	D	Lancaster	7/10/2019	---	2 in	Dave Queen
WellID: 258109	A	Lower Platte	8/14/2019	50 gpm	220 ft	OwnerID: 77358
<a href="#">View Details</a>		South		138 ft	264 ft	13611 W
<a href="#">View Logs</a>		12N 7E 28	---	150 ft		US Hwy 34
<a href="#">View Scans</a>		SWNW		PRO		Malcolm NE 68402
		Map It				
		40°58'				
		48.49"				
		96°38'				
		27.72"				

Next

- Data copy of requested wells.
- Data copy of Geo Logs for requested wells.
- Data copy of Casing Screen for requested wells.
- Data copy of Grout Gravel for requested wells.
- Data copy of requested contacts.

Legend and Notes

Section  
28

<b>Well Registration or Area Permit</b>		Fee Paid: <b>\$70.00</b>	HHSS Fee: <b>\$30.00</b>
		DNR Cash Fund: <b>\$18.50</b>	WWDF: <b>21.50</b>
		Billing ID: <b>31541</b>	
Source: <b>Nebraska On Line</b>	Import Status: <b>Accepted</b>	Use: <b>Domestic</b>	Owner ID: <b>117802</b>
Import ID: <b>1314301111369</b>	Status: <b>Inactive Well (Well is not Pumping)</b>	Decommission Date:	Registration Number: <b>G-160163</b>
Well ID: <b>212450</b>	NRD: <b>Lower Platte South</b>		Registration Date: <b>8/26/2011</b>
Last Change User: <b>hmcpherson</b>	Call Up Code:	Call Up Date:	Last Change Date: <b>8/26/2011</b>

Owner:

Contact	ContactID	Type	SeqNum	Begin Date	End Date	Name
<input type="button" value="E&amp;I"/>	<input type="button" value="Display"/>	117802	Owner1	8/26/2011		Swanstrom, Dennis

Contractor: **Certificate ID** **39481** **FirstName** **Daniel H** **LastName** **Bornemeier**

Drilling Firm: **EmployerID** **158810** **Employer** **Bornemeier Well Drilling, Inc**

- A. Well Location: **NE1/4NW1/4** of Section **28**  
Township **12** North, Range **7** ( **East** E/W), **Lancaster** County
- B. Natural Resource District: **Lower Platte South**
- Well GPS Coordinates: **Latitude** **40° 59' 11.20"** **Longitude** **-096° 38' 02.00"** **GPS Required**
- Lat/Long DD **40.98644** **-96.63389**
- C. The well is: .feet from the Section line and .feet from the section line.
- D. Street address or block, lot and subdivision: Addr/Sub Div **6205 Davey Rd** Block No . Lot .
- E. Location of water use, if applicable (give legal description): **NENW S-28, T-12, R-7E**
- G. Well reference letter(s) if applicable: .

Well In A Series  
Well Part of a Series with Site Plan: No

Series #	of Wells	Reg Total	# Wells	Acres	Acres	Cert	NRD	Appr	StartDate	EndDate	Comment	Series Reg Num	(External Source)	Code	Description	Wells in the Series
<b>211362</b>			No	No					4/6/2011					PRO	Single Project	WellID RegCD StartDate EndDate
																<b>212450</b> G-160163 4/6/2011

Permits

	Aprvd Date(s)		Aprvd Date(s)
Area Permit	. . .	SWater App Code	. . .
GeoPermit	. . .	Industrial	. . .
MWF	. . .	Transfer	. . .
WSP	. . .	Swater Conduct Code	. . .
HHSS	.	Other	. .
HHSS PWS ID	.	ITN	. .
NDEQ	.		

- 5. Purpose of Well **Domestic**  
Other Use .  
Notes .
- 7. Replacement well information. Well Considered a replacement by NRD(WellID, RegCD) .
- A. Is this well a Replacement well? No Repl No . NRD Approval Date . Well Replacement Reg CD .
- B. Registration number of abandoned well: .  
 If not registered, date abandoned well was constructed .
- C. Abandoned well last operated . D. Replacement well is .feet from abandoned well.
- E. Original well pump column size: .inches.
- F.  Original water well decommissioned .  
 I hereby certify that the original water well will be decommissioned within 180 days after such construction of the replacement water well.  
 I hereby certify that the original water well will be modified and equipped to pump 50 gallons per minute or less within 180 days after such construction of the replacement water well.  
 Livestock  
 Monitoring

Section  
28

- Observation
- Nonconsumptive or de minimus use approved by the applicable natural resources district.
- Decommission/Modification certification form is submitted by landowner (Must be submitted before registering well)

G. Location of water use of original well: .

**Decommission Information**

Decommission Date: . By

**B. Pump Information.**

A. Is Pump installed at this time? No

Pump present but Well Inactive:  
No

Free Flowing Well: No

Well active, no pump installed: No

**B. License No.**

CertificateID	FirstName	LastName	Employer
1	Owner drilled well &/or installed pump	Owner drilled well &/or installed pump	Owner drilled well &/or installed pump

C. Pumping Rate . gallons per minute.

D. Pumping water level . feet.

E. Drop pipe diameter . inches.

F. Length of pipe . in feet.

G. Pump equipment installed: .

H. Pump Brand/Type .

I. This well will be used to pump less than 50 gpm? Yes

**9. Well Construction Information**

- A. Total well depth: 285 feet.
- B. Static water level 114 feet.
- C. Well Construction began: 3/23/2011
- D. Well Construction Completed: 4/6/2011
- E. Bore hole diameter in inches. Top 8.5 Bottom 8.5
- F. Casing and Screen Joints are: Glued Other Joints description: .
- H. Total Estimate Capacity of Well .gallons per minute. I. Pumping water level at capacity: . feet.

**10. Well Construction (Casing & Screen) - c, d, e & f measurements should be in inches to three decimal places**  
Record Count = 2

WellID	FromDepth*	ToDepth*	Case/Screen	InsideDiam	OutsideDiam	CaseThickness	ScrnSlotSize	Material	ScreenName
2124500		275	casing	4	4.5	0.25		Plastic	Certainteed
212450275	285		screen	4	4.5	0.25	0.02	Plastic	Monoflex

\* are in Feet, all else is in inches

**11. Grout and Gravel Pack**  
Record Count = 4

WellID	FromDepth*	ToDepth*	Grout/Gravel	Material Description <sup>1</sup>	Quantity	Gravel <sup>2</sup> Volume &Type	Grout <sup>3</sup>
2124505		15	grout	Hole plug		3 bags bentonite chips	
21245015		258	gravel	B-pack sand	2.763 cu yds		
212450258		265	grout	Hole plug		2 bags bentonite chips	
212450265		285	gravel	12-20 sand	10 sacks		

\* are in Feet, all else is in inches

<sup>1</sup>Description of gravel pack, i.e. engineered gravel pack, or gravel pit description (1/4 down) or brand name (best sand) natural formation, drilling cuttings, soil backfill  
<sup>2</sup>Quantity #cubic yards, #Tons, #Sacks - (for drilling cuttings and soil backfill estimate quantity) Calculation assistance available on web  
<sup>3</sup>Volume & Type: #gallons of a slurry, #Barrels of a slurry, #sacks used in the slurry, #Bags of non-slurry bentonite (chip-pellet-granular)

**12. Well Geologic Materials Logged**

WellID	FromDepth*	ToDepth*	Type	Hardness	Color	Other/Drilling	Action
2124500		4	Top Soil	Soft	Black		
2124504		80	Clay	Soft	Brown		
21245080		112	Clay	Soft	Brown		
212450112		144	Clay	Soft	Blue		
212450144		155	Clay	Soft	Gray		
212450155		178	Shale	Hard	Red		
212450178		186	Shale	Hard	Blue		
212450186		249	Shale	Hard	Red		
212450249		260	Shale	Hard	Blue		
212450260		278	Shale	Hard	Red		
212450278		283	Sand fine-med	Soft	Tan		
212450283		290	Shale	Hard	Red		

\* are in Feet.

**Submit to:**

Department of Natural Resources  
301 Centennial Mall South  
P.O. Box 94676  
Lincoln, Nebraska 68509-4676  
Phone (402) 471 2363

**STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES**

This form is required to be filed  
within **60 days** of any  
modification to the water well.

**WATER WELL REGISTRATION PUMP INSTALLATION AND CONSTRUCTION MODIFICATION  
PUMP INSTALLER/WELL CONTRACTOR USE ONLY**

**FOR DEPARTMENT USE ONLY**

Date Filed 7/12/2012 Owner Code No. 117802 Registration No. G-160163  
212450 Lower Platte South NRD  
 WELL ID

**ALL ITEMS IN SECTION 1 AND SIGNATURE IN SECTION 3 ARE REQUIRED**

**SECTION 1:**

A. Well Owner's First Name Denney Last Name Swanstrom

OR Company Name \_\_\_\_\_

Attention Name Denny Swanstrom

Address 16705 X Street

City Omaha State NE Zip 68135-0000 Telephone 402 896 5090

B. Contractor (if applicable) Great Plains Well Service Telephone Number( ) 402 658 2225

Address 17005 M St Pump Installer/Contractor License No. 29273

City Omaha State NE Zip Code 68135 +

Email Address marx5664@cox.net

C. Well Registration No. G-160163

List complete well location as it appears in DNR database: Legal, Footage and/or GPS Coordinates

1. Well location: NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 28, Township 12 North, Range 7 East/West, Lancaster County.

2. The well is 240 feet from the (North or South) section line and 2293 feet from the (East/West) section line.  
 (circle one) (circle one)

OR Latitude Degree: 40 Minute: 59 Second: 11.20

Longitude Degree: -96 Minute: 38 Second: 2.00

D. State Reason for Change: New well

**PUMP INSTALLATION AND CONSTRUCTION MODIFICATION**

Complete only those items being modified

**SECTION 2:**

A. Pump information.

1. Pumping rate: 15 gallons per minute. Measured  or Estimated

2. Drop Pipe diameter: 1.25 Inches. 3. Length of drop pipe: 160 feet.

4. Pumping equipment installed: (m) 04 / (d) 11 / (y) 2011. 5. Brand/Type: Franklin

6. Static Water Level: 114 feet.

7. Pumping water level: 153 feet.

8. Amount of time pumped: 2 hours.

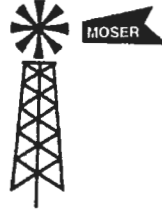
B. Active to Inactive (please check A or B) with or without pump

On \_\_\_\_\_, the water well is \_\_\_\_\_ a) altered from active to inactive by removing the \_\_\_\_\_ inch pump

and pumping column and properly capping the water well according to state standards or \_\_\_\_\_ b) no longer in use but pump still in place  
 with a water tight seal according to state standards. (§46-1207.02)

Section 28

Moser Well Drilling



and Service Inc.

Marvin Moser  
Hickman, NE

Allen Moser  
Hickman, NE

Bill Moser  
Roca, NE

Chris Thornton  
Hickman, NE

Hickman, Nebraska 68372  
Phone: (402)792-2515  
Lincoln: 477-7291  
Fax# 792-2922  
www.moserwell.com



Pumps and Well Supplies - Trenching - Drilling

Date: 7/10/2019 Well # 14-19 Driller: Bill NRD Lower Platte South

Owner/Builder: Dave Queen - 13611 West U.S. Highway 34, Malcolm, NE 68402 Ph - 525-4370

Location:  
1/2 mile south of Davey Road on Highway 77 - on east side.

- 0- 51 Yellow clay
- 51- 56 Yellow sand
- 56- 70 Yellow and gray clay
- 70-100 Brown clay
- 100-137 Silty gray clay
- 137-139 Black and gray clay
- 139-161 Coarse yellow sandstone
- 161-175 Yellow shale w/little red
- 175-214 Gray shale, some sandy, mostly hard
- 214-215 Ironstone - gray
- 215-224 Fine tan sandstone
- 224-227 Red and gray shale
- 227-230 Ironstone - gray
- 230-276 Fine brown sandstone
- 276-285 Hard yellow and red shale w/ironstone

Depth: 264' Elevation: \_\_\_\_\_

Casing Information

Type: PVC Thickness: 200#  
 Length: 244' Diameter: 5"  
 Bore Size: 9.5" SWL: 138' M  
 PWL: Est. 150'  
 GPM: 100 w/big air compressor

Filler Pack: 25-234'  
Grout: 6-25; 234-239'

Screen

Length: 10'+10' Diameter: 4"  
 Type: PVC Mono; WOP  
 Slot: .016; .020  
 Area of Screen: 244-264'  
 Pack: 239-265'  
 Type of Pack: #20 Red Flint

Chemical Analysis

Total Chlorides 13.2 ppm  
 Sodium: 52.2 ppm  
 Hardness: 687.0 ppm  
 Nitrates: 1.5 ppm  
 Bacteria: \_\_\_\_\_  
 Iron: .96 ppm

Lat. Degrees 40 Minutes 58 Seconds 48.49

Long. Degrees 96 Minutes 38 Seconds 27.72

State Sent 8/12/19

CTY/TN Lancaster/Rock Creek

T.N. 12 R.E. 7 SECT. 28

Reg G-187885 8/14/19

C. I certify that the well has been modified according to information given in section 2 A, D, E, & F, such that it will pump 50 gallons per minute or less. Pumping Rate: \_\_\_\_\_

Change of use (Check one of the following):  Livestock  Monitoring  Observation

nonconsumptive or de minimus use approved by the applicable natural resources district. State use: \_\_\_\_\_

D. Well Construction Information.

- 1. Total well depth: \_\_\_\_\_ feet.
- 2. Static water level: \_\_\_\_\_ feet.
- 3. Pumping water level: \_\_\_\_\_ feet
- 4. Well Construction began: (m)\_\_\_\_/(d)\_\_\_\_/(y)\_\_\_\_\_
- 5. Well Construction completed: (m)\_\_\_\_/(d)\_\_\_\_/(y)\_\_\_\_\_
- 6. Bore hole diameter in inches: Top\_\_\_\_ Bottom \_\_\_\_
- 7. Casing and Screen Joints are: Welded\_\_\_\_, Glued\_\_\_\_, Threaded\_\_\_\_, Other\_\_\_\_\_

E. Well Construction Modification.

- 1. Total well depth: \_\_\_\_\_ feet.
- 2. Static water level: \_\_\_\_\_ feet.
- 3. Pumping water level: \_\_\_\_\_ feet
- 4. Well Modification began: (m)\_\_\_\_/(d)\_\_\_\_/(y)\_\_\_\_\_
- 5. Well Modification completed: (m)\_\_\_\_/(d)\_\_\_\_/(y)\_\_\_\_\_
- 6. Bore hole diameter in inches: Top\_\_\_\_ Bottom \_\_\_\_
- 7. Casing and Screen Joints are: Welded\_\_\_\_, Glued\_\_\_\_, Threaded\_\_\_\_, Other\_\_\_\_\_

F. Well Construction (Casing & Screen)- 3,4,5, & 6, measurements should be in inches to three decimal places

1 2		3	4	5	6	7	8	
Placement Depth in Feet		Casing or Screen	Inside Diameter	Outside Diameter	Wall Thickness	Screen Slot Size	Type of Material	Trade Name
From	To							

G. Grout and Gravel Pack

Placement Depth in Feet	Grout or Gravel Pack	Material Description
From To		

H. Geologic Materials Logged

DEPTH IN FEET	DESCRIPTION
FROM TO	

DEPTH IN FEET	DESCRIPTION
FROM TO	

(Additional sheets may be submitted)

**SECTION 3:**

I hereby certify that the information provided on this form is true and accurate to the best of my knowledge.

134213413411553 NOL ID: gpws \_\_\_\_\_

07/12/2012 \_\_\_\_\_

Contractor

Date

**The Department reserves the right to request verification of information provided.**

Section 29

Registration#	Use	County Name	Completion Date	Acres Irrigated	Pump	Owner's Name
Well ID	Status	Name	Filing Date	Gallons/Minute	Column Diameter	Owner's ID
Permit Number		Well Location	Decommission Date	Static Level	Pump Depth	Address
		Footage	Times Replaced Online	Pumping Level Series	Well Depth	
<b>G-118366</b>	<b>D</b>	<b>Lancaster</b>	<b>11/6/2002</b>	---	<b>1.25 in</b>	<b>Matt and Lori</b>
<b>WellID: 144536</b>	<b>A</b>	Lower Platte South	11/12/2002	15 gpm	240 ft	<b>Alberti</b>
<a href="#">View Details</a>		12N 7E 29	103685213910931	170 ft	305 ft	OwnerID: 71260
<a href="#">View Logs</a>		SESW		200 ft		1928 Ryons Street
<a href="#">View Scans</a>		433S		PRO		Apartment 2
		2641E				Lincoln NE
		Map It				68502
		40°58'				
		26.60"				
		96°39'				
		8.40"				
<b>WellID: 207473</b>	<b>D</b>	<b>Lancaster</b>		---	---	<b>Susan Dvorak</b>
<a href="#">View Details</a>	<b>U</b>	Lower Platte South	10/13/2010	---	298 ft	OwnerID: 114824
<a href="#">View Logs</a>		12N 7E 29	---	PRO		1000 Long Cove
<a href="#">View Scans</a>		SESE				Round Rock
		400S				TX 78664
		384E				
		Map It				
		40°58'				
		26.10"				
		96°38'				
		39.00"				
<b>WellID: 207474</b>	<b>S</b>	<b>Lancaster</b>		---	---	<b>Susan Dvorak</b>
<a href="#">View Details</a>	<b>U</b>	Lower Platte South	10/13/2010	---	68 ft	OwnerID: 114824
<a href="#">View Logs</a>		12N 7E 29	---	PRO		1000 Long Cove
<a href="#">View Scans</a>		SESE				Round Rock
		279S				TX 78664
		502E				
		Map It				
		40°58'				
		24.90"				
		96°38'				
		40.60"				

*alameda*

Next

**STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES  
WATER WELL REGISTRATION**

Fee Paid	\$60.00	DNR Cash Fund	\$8.50
HHSS Fee	\$21.50	HHSS-DNR Cash Fun	\$8.50
Got Billing	1785		

**FOR DEPARTMENT USE ONLY**

NOL ID	103685213910931	NOL Status	Accepted	Well Status	A	Registration Code	G-118366	Print
Owner ID	62126	NOL Date	11/10/2002	Call Up Code		Registration Date	11/12/2002	Add
Seq Num	144536	Call Up Date						

Tuesday, November 12, 2002

**STATE OF NEBRASKA  
DEPARTMENT OF WATER RESOURCES  
WATER WELL REGISTRATION**

Page 1 of 3

*Section 29*

**FOR DEPARTMENT USE ONLY**

NOL ID	103685213910931	NOL Status	Accepted	Well Status	A	Registration Code	G-118366	Print
Owner ID	62126	NOL Date	11/10/2002	Call Up Code		Registration Date	11/12/2002	Add
Seq Num	144536	Call Up Date						

1a Owner's Name: Matt and Lori Alberti

b Company Name: \_\_\_\_\_

c Correspondent Name: \_\_\_\_\_ Attention Name: \_\_\_\_\_

Address: 1928 Ryons Street Apt. #2

City: Lincoln State: NE Zip Code: 68502 Phone: 402-601-7153

2a HHSS Contractor Lic ID: 165547 Contractor's Name: Ben Earnest III

Contractor's License No: 39051 Contractor's Email Address: earnestwell@hotmail.com

b Drilling Firm Name: Earnest Well Drilling Inc.

Address: P.O. Box H

City: Millard State: NE Zip Code: 68405 Phone: 402-761-2281

Drilling Firms Email Address: \_\_\_\_\_

3a Well Location: SESW of Section 29 Township 12 North, Range 7 E (EW), Lancaster County

b Natural Resource District: Lower Platte South

c The well is \_\_\_\_\_ foot from the \_\_\_\_\_ (N/S) section line and \_\_\_\_\_ foot from the \_\_\_\_\_ (E/W) section line

GPS: or Latitude: 40 58' 26.60" Longitude: -096 39' 08.40"

d Street address or block, lot and subdivision, if applicable: same Block No: \_\_\_\_\_ Lot: \_\_\_\_\_

e Location of water use, if applicable (give legal descriptions): same

f If for irrigation, the land to be irrigated is \_\_\_\_\_ Acres

g Well Reference letter(s), if applicable: \_\_\_\_\_

4 Permits	Permits Number	Date	Permits	Permits Number	Date
Management Area Permit			Transfer Out-Of-State		
Surface Water			Well Spacing		
Geothermal			Conduct Water		
Industrial			Municipal		
Industrial Transfer Notice			Other		

5 Purpose of Well: Domestic Other: \_\_\_\_\_

Notes: \_\_\_\_\_

6 Wells in a Series

**STATE OF NEBRASKA  
DEPARTMENT OF WATER RESOURCES  
WATER WELL REGISTRATION**

Section 29  
Page 2 of 3

**FOR DEPARTMENT USE ONLY**

NOL ID	103885213910931	NOL Status	Accepted	Well Status	A	Registration Code	G-118366	Print
Owner ID	62126	NOL Date	11/10/2002	Call Up Code		Registration Date	11/12/2002	Add
Seq Num	144536	Call Up Date						

a Is this well a part of a series?

b If one or more of the wells in the series is currently registered, give the well registration number

c How many wells in the series are you registering at this time?

**7 Replacement and abandoned well information** Replacement Number

a Is this well a replacement well?

b Registration number of abandoned well   
If not registered, date abandoned well was constructed

c Replacement well is  feet from abandoned well.

d Abandoned well last operated

e Original well pump column size:  inches.

f Completion of original well abandonment on

g Location of water use of abandoned well

**8 Pump Information**

a Is pump installed at this time?

Is pump installed by well owner in section 17  Is pump installed by contractor in section 27

Else installed by pump installer.

b HHSS Installer's License ID.  165547

Pump Installer's License No.  39051 Pump Installer's Name  Bon Earnest III

Pump Installer's Email Address  earnestwell@hotmail.com

Pump Installer's Firm Name  Earnest Well Drilling Inc.

Pump Installer's Firm Address  P.O. Box H

City:  Milford State  NE Zip Code  68405-0000 Phone  402  761-2281

Pump Installer's Firm Email Address

c Pumping Rate  15 gallons per minute  measured or estimated

d Drop pipe diameter  1.25 inches

e Length of drop pipe  240 feet.

f Pumping equipment installed  11 / 07 / 2002

g Pump Brand  11/2hp Dempster

h This well will be used to pump less than 50 gpm

**9 Well Construction Information**

a Total well depth  305 feet.

b Static Water Level  170 feet.

c Pumping Water Level  200 feet.

d Well construction began:  11 / 05 / 2002

e Well construction completed:  11 / 06 / 2002

f Bore hole diameter in inches. Top  9 Bottom  9

g Casing and Screen Joints  Glued  Other

**10 Well Construction (Casing and Screen)**

From Depth	To Depth	Inside Diam	Outside Diam	Thickness	Screen Slot Size	Material	Trade name	Cas
0	20	4	4.5	.214		PVC	PW Pipe	
20	160	4	4.5	.173		PVC	PW Pipe	
160	285	4	4.5	.214		PVC	PW Pipe	
285	305	4	4.5	.237	.018	PVC	Monoflex	

**STATE OF NEBRASKA  
DEPARTMENT OF WATER RESOURCES  
WATER WELL REGISTRATION**

*Section 29* Page 3 of 3

**FOR DEPARTMENT USE ONLY :**

NOL ID	103685213910931	NOL Status	Accepted	Well Status	A	Registration Code	G-118366	Print
Owner ID	62126	NOL Date	11/10/2002	Call Up Code		Registration Date	11/12/2002	Add
Seq Num	114536			Call Up Date				

**11 Well Construction (Grout and Gravel)**

NOL ID	From Depth	To Depth	Material	
103685213910	0	260	Bonseal Easy-Mud	1
103685213910	260	305	"C" Pack Sand	2

**12 Geolog Material Logged**

NOL ID	From Depth	To Depth	Description
103685213910	0	1	Top Soil
103685213910	1	22	Brown Clay
103685213910	22	41	Brown Clay with strips of Shale
103685213910	41	44	Sand
103685213910	44	62	Brown and Yellow Clay
103685213910	62	80	Gray and Brown Clay
103685213910	80	182	Blue Clay
103685213910	182	207	Brown and Red Clay
103685213910	207	209	Sand
103685213910	209	215	Brown and Yellow Clay
103685213910	215	255	Brown, Gray, and Red Clay
103685213910	255	284	Gray (blue clay)
103685213910	284	305	Sandstone (brown, med to coarse)

NO Return to NOL

Return to NOL

Duplicate

Limbo

NOTIFY NOL

Sector 34

**Return to Search Page**  
**Nebraska Department of Natural Resources**  
 Database Through: 10/25/2019  
 Processed: 10/25/2019 12:08:01 PM

**REGISTERED GROUNDWATER WELLS DATA RETRIEVAL**  
**Search Results Maximum 1000 Per Page**

Note:  
 Information on Public Water Supply Wells is not available through this interface. Contact the Department of Natural Resources (Data Bank) at 402-471-2363 for more information. All registration documentation for water wells registered after January 1, 1969, except Public Water Supply wells, are now available.

Due to possibility of a well being in more than one series, an individual well might be listed more than once.

3 Records Found

Registration#	Well ID	Permit Number	Use Status	County Name	Completion Date	Acres Irrigated	Pump Column	Owner's Name
Well ID	Permit Number	Use Status	County Name	Completion Date	Acres Irrigated	Pump Column	Owner's Name	Owner's ID
Well ID	Permit Number	Use Status	County Name	Completion Date	Acres Irrigated	Pump Column	Owner's Name	Owner's ID
G-105772		D	Lancaster	5/1/2000	---	1 in	David Nielsen	
WellID:		A	Lower	5/30/2000	15 gpm	160 ft	OwnerID: 19468	
125436			Platte		114 ft	206 ft	13200 North	
View Details			South		120 ft		112th	
View Logs			12N 7E 34	---	PRO		Lincoln NE 68517	
View Scans			SWSW					
			330S					
			330W					
			Map It					

Section 34

October 1979  
DWR Form 143

STATE OF NEBRASKA  
DEPARTMENT OF WATER RESOURCES  
WATER WELL REGISTRATION

(FOR DEPARTMENT USE ONLY)

Registration Date 5-30-00 Sequence No. 125436 Registration No. G-105772  
Owner Code No. 9442 Receipt No. 106977 Lower Platte South NRD

1. Well Owner Nielsen  
Dave Nielsen Telephone Number 402 786-2288  
Address 13200 N 112th  
City LINCOLN State NE Zip Code 68517 + 9719

2. Drilling Firm JENSEN WELL CO., INC. Telephone Number (402) 426-2585  
Address 767 IOWA STREET Contractor's License No. 39252  
City BLAIR State NE Zip Code 68008 +

3. Permit Number(s) \_\_\_\_\_

4. Purpose of well (indicate one):  Aquaculture  Dewatering (over 90 days)  Domestic  
 Ground Heat Exchanger (Closed Loop)  Ground Water Source Heat Pump (Open Loop)  Industrial  Injection  
 Irrigation  Livestock  Monitoring  Observation  Other \_\_\_\_\_  
 Public Water Supply (with spacing (44-631))  Public Water Supply (no 16-foot spacing)  Recovery (indicate use)

5. Replacement and abandoned well information.

A. Is this well a replacement well?  Yes  No  
B. Registration number of abandoned well: \_\_\_\_\_  
If not registered, date of construction completion: \_\_\_\_\_, 19\_\_\_\_  
C. Replacement well is \_\_\_\_\_ feet from abandoned well. D. Abandoned well last operated \_\_\_\_\_, 19\_\_\_\_  
E. Original well pump column size: \_\_\_\_\_ inches. F. Completion of original well abandonment on \_\_\_\_\_, 19\_\_\_\_  
G. Location of water use of abandoned well: \_\_\_\_\_

6. A. Well location: SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 34, Township 12 North, Range 7 (East/West), Lancaster County.  
B. The well is \_\_\_\_\_ feet from the (North or South) section line and \_\_\_\_\_ feet from the (East/West) section line.  
(circle one) (circle one)  
C. Street address or block, lot and subdivisions, if applicable: \_\_\_\_\_  
D. Location of water use, if applicable (give legal descriptions): \_\_\_\_\_  
E. If for irrigation, the land to be irrigated is \_\_\_\_\_ acres.  
F. Well reference letter(s), if applicable: \_\_\_\_\_

7. Pump Information.

Is pump installed at this time:  Yes  No  
If yes, complete items A through F.  
If no, complete items A and D with estimated information for those wells in which pump will be installed.  
A. Actual pumping rate, if applicable: 12-15 gallons per minute. Measured  or Estimated   
B. Pump column diameter: 1 1/4 inches. C. Length of pump column: 160 feet.  
D. Pumping equipment installed: (model) 5 (date) 5/00. E. Brand/Type: Submersible  
F. Pump installed by: Contractor [ ] Owner [ ] Pump Installer [  ] License No. 59080

8. Well Construction Information.

- A. Total well depth: 206 feet. B. Static water level: 114 feet.
- C. Pumping water level: 120 feet  Estimated or  Measured (at what gallons per minute rate 20)
- D. Well Construction began: (month) 4 / (day) 27 / 00. Well Construction completed: (month) 5 / (day) 1 / 00.
- F. Bore hole diameter: 8.75 inches.
- G. Plain Casing: Diameter 4 ID 4.5 OD inches. Type of material: PVC PLASTIC  
 Wall thickness: .237 inch(es). Joints—Welded/Glued/Threaded/Other: SOLVENT WELD  
 Length(s) and placement(s) depth from 5 ft. to 195 ft. from 205 ft. to 206 ft.
- H. Screen: 4 ID 4.5 OD in.; Type of material PVC PLASTIC  
 Screen openings (slot size): .018 Trade name: JAYCO  
 Length(s) and placement(s) depth from 195 ft. to 205 ft. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Guides at NONE ft.
- I. Gravel pack interval(s) from 18 ft. to 206 ft. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Grade size: REDMIX
- J. Grouted/Sealed from 6 ft. to 18 ft., with BENTONITE (type)  
 from \_\_\_\_\_ ft. to \_\_\_\_\_ ft., with \_\_\_\_\_ (type)
- K. Drilling method: ROTARY L. Drilling fluid: WATER/BENTONITE
- M. Well development technique (total time and method): Boiled for 1/2 hr Pumped w/air for 3 hrs.
- N. Will chemicals, fertilizer or antifreeze be injected or utilized in the system?  Yes  No  
 If yes, what will be used: \_\_\_\_\_

9. Geologic Materials Logged

DEPTH IN FEET FROM	TO	DESCRIPTION	DEPTH IN FEET FROM	TO	DESCRIPTION
<u>0</u>	<u>20</u>	<u>Light Brown Clay</u>			
<u>20</u>	<u>60</u>	<u>Light Gray Clay</u>			
<u>60</u>	<u>70</u>	<u>Dark Gray Clay</u>			
<u>70</u>	<u>121</u>	<u>Gray Shale</u>			
<u>121</u>	<u>191</u>	<u>Red Shale</u>			
<u>191</u>	<u>212</u>	<u>Medium White Sandstone</u>			

(Additional sheets may be submitted)

10. I am familiar with the information submitted on this registration, and to the best of my knowledge it is true.

David L. Johnson

5/5/00

Doc Lila

5/28/00

Water Well Contractor's Signature

Date

Water Well Owner's Signature

Date

100

Revise Condition 2.1 To Read

240 campsites are permitted. Up to 35% of the campsites may be occupied by the same person or persons for no more than 180 ~~consecutive~~ days in any calendar year. If the campground is built in phases, the 35% shall apply to the number of campsites in that phase. For the remaining portion, the same person or persons may not occupy the campground for more than thirty (30) consecutive days.

Special Permit #19051 Text Amendment #19009

My name is Brian Campbell, and I live at 6030 Davey Road, our property is just across the road to the east of the proposed campground. My wife and I have two young children. We have worked very hard on this property to make this our family's "forever home". The closest homes, and land, to this potential campground, have families with young children. There are so many issues and concerns that would negatively impact our community with this so-called "campground" being at this location, that there is not enough time with the limited 5 minutes that I have, to express to you. I hope that others who speak today will shine light on the many other issues that we as rural residents have.

I knew that water was an issue in the area, but after hearing the locals that have lived here all of their lives, I was not aware on how BIG of an issue it is. We have had water quality issues since the day we moved in. We still have issues, and in fact, we have someone coming to assess it, yet again, next week. Our neighbors, just one mile to the north, informed me just last week that their nitrate levels are through the roof with their brand new well they installed at their new home last year, and now they have to add even more filtration and Reverse Osmosis (RO) systems.

The creek that runs through our property had been completely dry until only the last few years. With all of the rainfall and flooding recently, it has surely helped fill up the aquifers, but for how long? What is going to happen when we have droughts again? We would turn our faucet on, while filling the tub and there would literally be no water coming out of it.

When I made some calls to get some information on how this campground might affect our water. I was led to Dick Ehrman, who is the Water Resources Specialist for the NRD Lower Platte South District. I asked him how it may affect OUR water, He said that the QUANTITY of water that they plan on using would likely affect the QUALITY of the water at our well as the quality goes down as the aquifer is lowered. As I said before, our quality is already not great, so this is a HUGE concern.

Dick also informed me that approximately 70% of wells in the District are NOT registered and he urged me to get that done right away. Since I talked with him, I did get my well registered (which was confirmed on Nov. 18<sup>th</sup>). Having gone through the process, a lot of surrounding neighbors, asked me to help them get theirs registered also.

As I understand it, BOTH the planning commission AND the Engineer hired by the applicant for the Ground Water Analysis, base their reports on ONLY the REGISTERED WELLS. At the time of analysis, there were only seven REGISTERED wells. While looking at the map of the "Notified property owners" within one mile, (**Please reference PAGE 1**) it shows that they went with the absolute, bare minimum with the number of wells, AND with notifying the property owners. As you can see on the map, there are many properties right along the one mile mark. Some were even cut off of the map, that I would consider within a mile, and would definitely be affected by this campground. Are they that afraid that the data won't be on their side? If you are not worried about your proposed property changes, and the affects they would have on the surrounding area, why not include these properties on your analysis? It would be to YOUR benefit to have the correct information. , I feel that the local property owners' real-

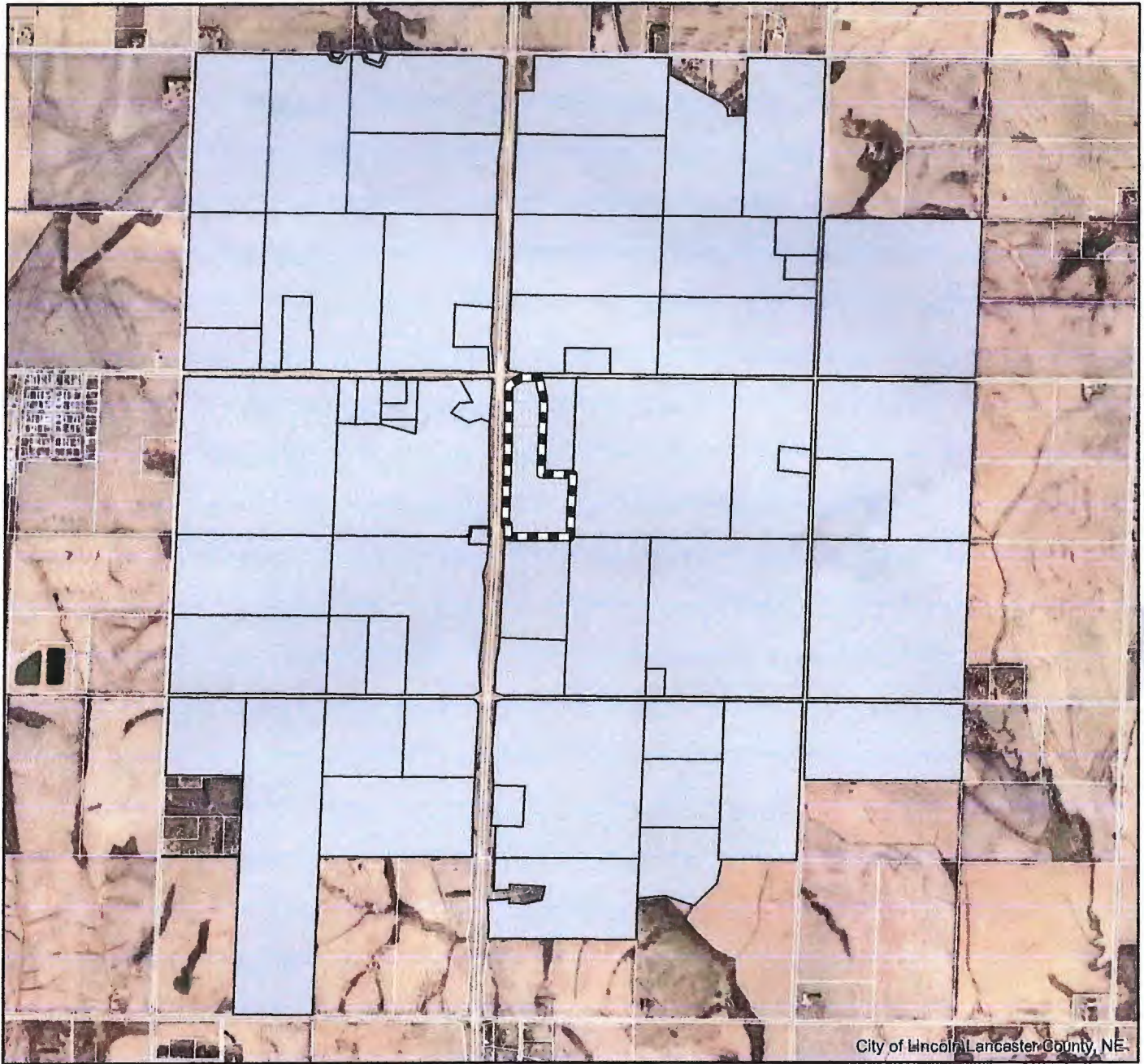
life experiences with real issues would carry just as much weight, if not more, than just some numbers on a paper.

I would urge you to have them to re-analyze this as there are now many more wells registered and these should be taken into consideration. **(Please reference PAGE 2)** As of Dec. 2<sup>nd</sup>, there are now 16 registered wells within one mile of the proposed campground. That doesn't include the dozen or so very close to the one mile range, and also the wells that are still not registered. Why are these wells not considered, given the high probability of this campground causing issues with the water?

One of the other many issues that I have about this proposed campground is safety. Where will all of these "campers" go when severe weather or a tornado comes? The tornado that hit us directly in 2013, prompted a driver on Hwy 77 to come and take cover. I don't want 500-750 people running to my house to take cover. Is the campsite going to have adequate protection for these campers?

My wife and I have cried MANY tears, lost COUNTLESS hours of sleep, have had to take off work, and most importantly, have had to spent way to much time away from our kids to do the proper research and to prepare to fight against this campground. Our nice days in the winter are numbered. Instead of picking up our boys from school to go play outside for the limited daylight on such a beautiful day, we are stuck in here, fighting for our way of life that will be forever changed for the worse, if this thing gets approved.

As an active and concerned citizen in the area affected by the proposed campground, I am adamantly opposed to this project. It is not in the best interest of the citizens and land usage of this area and I strongly urge you to vote against this proposed development.



City of Lincoln Lancaster County, NE

2018 aerial




Special Permit #: SP19051  
N 56th St & Davey Rd

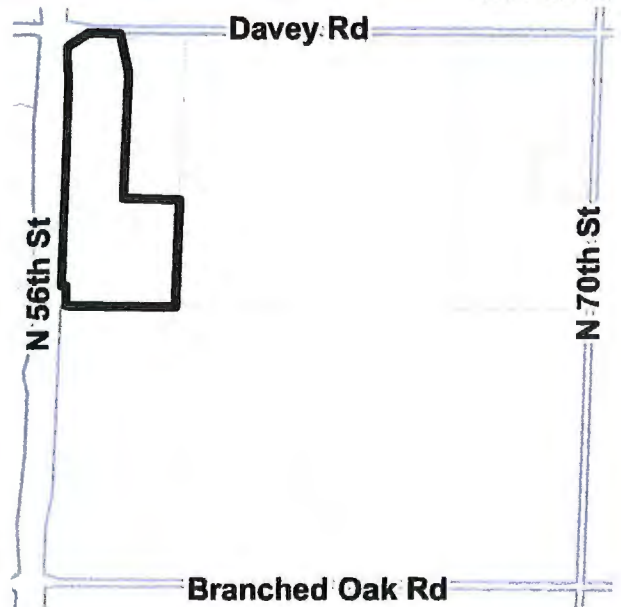
# Notified

**Zoning:**

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile:  
Sec.28 T12N R07E

	Area of Application
	Zoning Jurisdiction Lines
	City of Lincoln Jurisdiction





12/3/2019

Jason Minchow  
8181 Davey Rd  
Lincoln, NE 68517

Dear Planning Commission,

I am writing in reference to Special Permit application #19051 for creation of a campground on or about the intersection of Davey Road and Highway 77. I am not able to attend this hearing, but as directly adjacent property owner, I wish to voice my vehement disapproval of this permit. I own the property immediately to the West of the proposed location.

My concerns are many, but I will narrow them for this presentation.

1. **Runoff:** As the property owner immediately downstream for the proposed waste treatment, I have serious concerns about the volume of sewage and the lack of ongoing monitoring of it. This facility will house upwards 500 people and even have added waste brought in on campers. Small towns of this size are regulated for pollution and waste management, but I see no such considerations here. Will the surface and well water and soil on my property be tested at their expense to ensure there is not contamination over time? What about a rain storm that overflows the lagoons, will their insurance cover all damages to my property? Will I be named as an additionally insured?
2. **Fire Damage:** I presume that there will be MANY open fires allowed at this location. I have fields directly across the road that in the fall are extremely flammable. What protections do I have that embers will not float across the road and burn my fields and the surrounding houses.
3. **Trash:** There is no proposed fencing to catch waste that will inevitably become airborne like plastic bags and paper. How do I fine them for trash on my property? I don't want them trespassing to pick it up either.
4. **Noise Pollution:** There will undoubtedly be far greater consistent and evening noise from this property than from any farm or single residence.
5. **Light Pollution:** I am sure there is also lots of proposed outdoor lighting that will impact my property.
6. **Long Stay:** There has been a proposal to allow stays of longer than 30 days, which the city for good reason does not allow. I believe, to ensure persons do not move from site to site, that even the 30 day limit should be enforced through a license plate registry., This needs to be open to review and carry large fines for violation. This is needed to ensure that all vehicles, whether for a tent or camper site, is not allowed back in for 30 days after that period is up.

When I am forced to take a lower price to sell my property due to the issues above, do I have guarantee they will pay me for my losses. If there is, I would like that in a written contract. I also have many concerns over any concessions made to try and fix these issues as there is no governing body to manage it and no defined penalties for when they are violated. I don't want to have to use my tax dollars to regulate this. There is great money to be made in violating any special requirements. There MUST be monitoring of this with REAL fines for violations. I do not see any way that this planning commission can require any government entity to such ongoing monitoring FREQUENTLY and ON SITE to ensure compliance.

Sincerely,



Jason Minchow

Hello

My name is Dave Nielsen I reside at 7100 Raymond Road and I run a family farming operation that has spanned 3 generations and over a 100 years in the proposed zoning area.

Agriculture is the industry that drives this state and with out the proper use of land and natural resources today we apply more stress and strain on remaining land and natural resources into the future.

This proposed short and longterm campground site will destroy highly productive farmland when Farmers and Ranchers are expected to feed 9.7 billion people by 2050.

I understand that for some odd reason under special permit that this type of business can be put on Agricultural zoned land, but the questions before us today are, is it the best use for highly productive farm ground? NO, is it an appropriate location within a farming and rural acreage area? NO, is it detrimental to the current surrounding use of land? YES

This area is farmland with a mix of rural acreages and needs to stay that way. Lets not use a shot gun approach in zoning just because a special permit allows it.

I am a cooperator with the city applying the treated human waste (bio-solids) that comes out of Lincoln and is applied to my land and other land in the area of question. With the storage site for the bio-solids located at the Land Fill and also the two waste water treatment plants located on the North side of Lincoln the most cost effective area for the city to contract with landowners is North of Lincoln. Just one of many reasons why Northern Lancaster county should remain Agricultural based.

Many years ago a landowner wanted to develop a similiar business with pad sites for campers and trailer houses . My father along with another farmer in the area opposed this for many of the same reason you will hear today. The planning commission and county commissioners had the foresight and wisdom to not allow such a business at that time and I hope you also have that wisdom. The parameters have not changed, this is still an area for crop and livestock production with a mix of acreage owners who understand and support modern agruculture.

My suspicions with this campground is its a long stay housing area for the workers of the proposed Data Center to the south. The city and planning department saw an opportunity to terminate the lease on the exsisting campground, use that area for a more profitable development and to develop a workers village out in the country and let the counties resources and surrounding residents and land owners deal with the problems that will arise from this so called family campground. This camp ground development and the way changes to campground/ camp sites requirements have been presented make it fairly clear how the dots connect.

Lancaster Planning Commission - Special Permit SP 19051

December 4, 2019

Good afternoon, my name is Dr. Julie Marshall. I reside at 7931 Anna Place  
Lincoln, NE 68507

I am a concerned landowner with agricultural land located 1 ¼ mile from the site being discussed and I OPPOSE the Special Permit SP 19051.

Many of the families you see here today live close to the proposed site of the Special Permit. They drink the water. And their farming livelihood depends on it. If their water is compromised, so is their business. And so is the environment they've worked to preserve for generations. That's why we went to an expert to learn more about water on this site.

I would like to present a letter written by Dr. Erin Haacker, Ph.D., Assistant Professor, Dept. of Earth and Atmospheric Sciences, University of Nebraska-Lincoln and Faculty Fellow, Daugherty Water for Food Global Institute.

Dr. Haacker volunteered her time to gather and review data about ground water access on the proposed site and surrounding area. She looked at information from the engineering report associated with this application as well as the Dana Divine 2014 report "The Ground Water Atlas in Lancaster County", photos of the site, Google Earth and the National Hydrography Dataset, and the well logs from the Department of Natural Resources.

Dr Haacker's academic area of expertise is in ground water management, statistical data analysis and using models applied to groundwater, surface water, atmosphere and other factors. Her research includes studies on the status of the water in Nebraska and other High Plains states as well as Texas.

Dr. Haacker was unable to attend today but has provided a letter for distribution to each of you.

Noted in the attached letter are 5 points which create question for me:

- Well use for the proposed site is much higher than typical for the area .It's impossible to know what the water usage will mean for the neighbors and nearby streams.
- The engineering report estimates a drop in the water level of 20 feet in 25 years, which they (the engineering reporters) indicates is "remarkable stable" but I (Dr. Haacker) disagree with this characterization, especially given that this drop occurred without the additional pumping that this project would entail.
- There is a large amount of fine-grain sediment between the land surface and ground water in this area, so one likely source of replenishment (recharge) to the

December 4, 2019

groundwater is from stream valleys, according to a report on ground water in Lancaster County (Divine, 2014) report. This could lead to streamflow impacts if significant amounts of water (more than existing domestic needs) are extracted, as is planned for the site.

- Suspect that with long-term pumping, the site is more likely to lose pressure itself before they run anyone else dry. But as previously mentioned, the recharge might take water that would otherwise flow to streams.
- Recommend getting an expert opinion regarding the wastewater lagoons, particularly with regards to flow path in cases of flooding, again due to proximity to stream headwater.

We will hear testimony from multiple residents who have personally experienced dry wells or unacceptable salt water wells for decades when drilling in this area with limited water supply. The topography of the underground water sources has not been well studied with this proposal to assure the surrounding neighbors, spanning several miles, are not at risk for water depletion. This illustrates the potential for impacts to water quantity and quality to neighboring wells due to pumping in this area.

For me, Dr. Haacker's assessment casts significant doubt upon the adequacy of the predicted water supply based upon the limited tests presented and other variables that were not described or studied in the proposal. There is a notable concern for me on the potential negative water supply to the surrounding land.

In addition, when doubt and concern become a reality, who will rescue this situation? Who will rescue the current residents and agri-businesses when water depletion advances?

Respectfully submitted,

Julie A. Marshall  
7931 Anna Place  
Lincoln, NE 68507

To whom it may concern,

My name is Dr. Erin Haacker, and I am an assistant professor of hydrogeology at the University of Nebraska-Lincoln. At the request of concerned residents of the community of Davey, I have reviewed the local hydrogeologic conditions for the nearby proposed RV site.

The fact that a test well yielded 100 gallons per minute of water in a pump test is very promising for the water supply for the site, but is much higher than typical for the area. It's impossible to know what that will mean for neighbors and nearby streams. It suggests the possibility that the test well was drilled into a small lens of high-transmissivity sediment that will not yield as much water if it is pumped over the long term. Alternatively, it may be laterally connected to alluvium that is hydrologically connected with surface water. The engineering report estimates a drop in the water level of 20 feet in 25 years, which they indicate is "remarkably stable," but I disagree with this characterization, especially given that this drop occurred without the additional pumping that this project would entail. Since the site is located very close to headwaters of multiple creeks (Ash Hollow, Garr, and Jordan), I would recommend waiting until the results of the airborne geophysical surveys are released by the UNL Conservation and Survey Division before developing the site. There is a large amount of fine-grained sediment between the land surface and groundwater in this area, so one likely source of replenishment (recharge) to the groundwater is from stream valleys, according to a report on groundwater in Lancaster County (Divine, 2014). This could lead to streamflow impacts if significant amounts of water (more than existing domestic needs) are extracted, as is planned for the site. The engineering report also indicates a 12-foot change in elevation between the static water level and the pumping water level (this is called a "cone of depression"). That is promising for continued pumping at the site, assuming they pumped 100 gallons per minute for 24 hours or so, which would be typical (the well report doesn't say). Given how fine the sediment is in this area, I suspect that with long-term pumping, the site is more likely to lose pressure itself before they run anyone else dry. But, as previously mentioned, the recharge might take water that would otherwise flow to streams.

Hydrologically, assuming they plan to screen at pretty much the same depth, there's not much difference between one well pumping at 100 gallons per minute vs. two wells pumping 50 gallons per minute, so if there are restrictions for wells over 50 gallons per minute, that should be looked into. I would also recommend getting an expert opinion regarding the wastewater lagoons, particularly with regards to flowpaths in case of flooding, again due to the proximity to stream headwaters.

I remain happy to answer any questions regarding groundwater geology in the area to the best of my professional knowledge.

Regards,

*Erin Haacker*

Erin Haacker, Ph.D.  
Assistant Professor  
Dept. of Earth and Atmospheric Sciences  
University of Nebraska-Lincoln  
Faculty Fellow, Daugherty Water for Food Global Institute

**Reference: Divine, Dana, 2014. *The Groundwater Atlas of Lancaster County, Nebraska.*  
Conservation and Survey Division (39), School of Natural Resources, Institute of Agriculture and  
Natural Resources, University of Nebraska-Lincoln.**

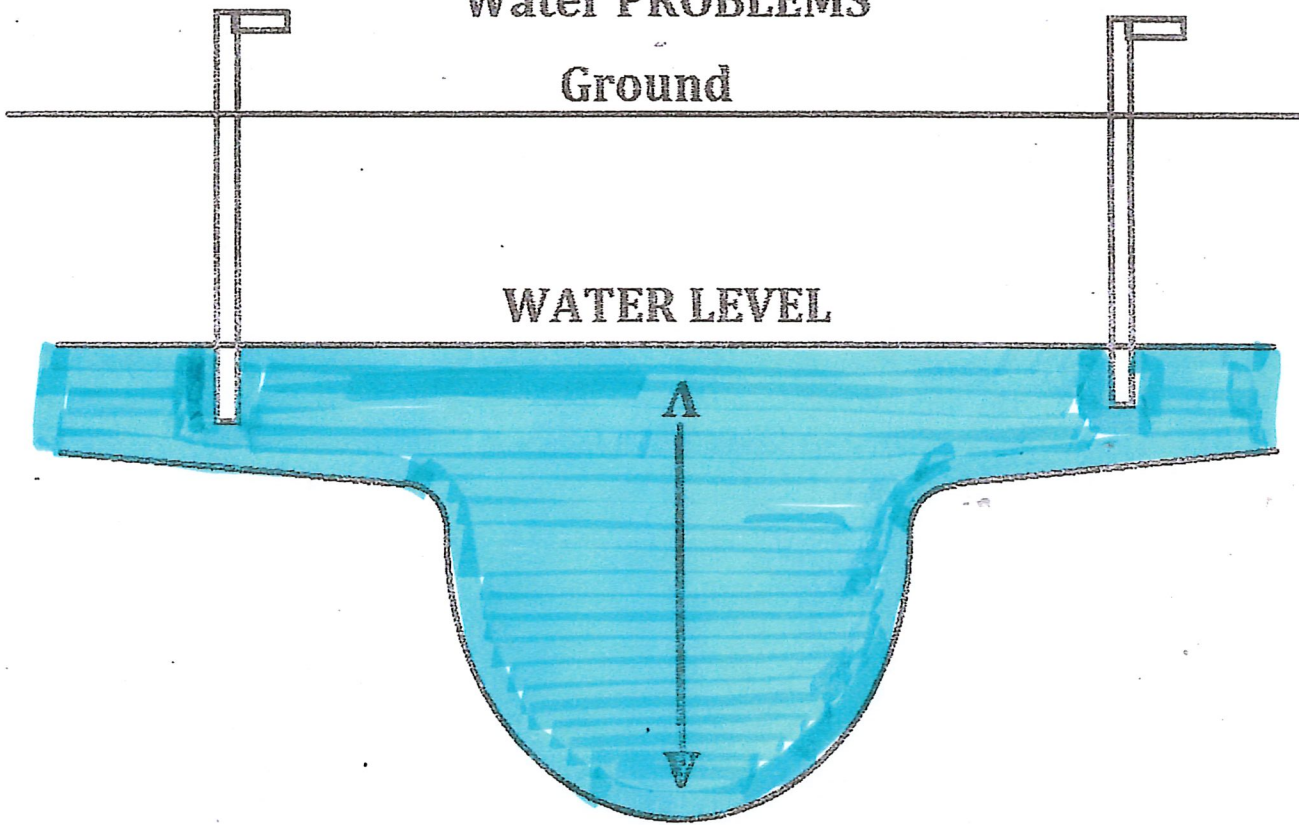
Farm Home Well

# Water PROBLEMS

Farm Home Well

Ground

WATER LEVEL



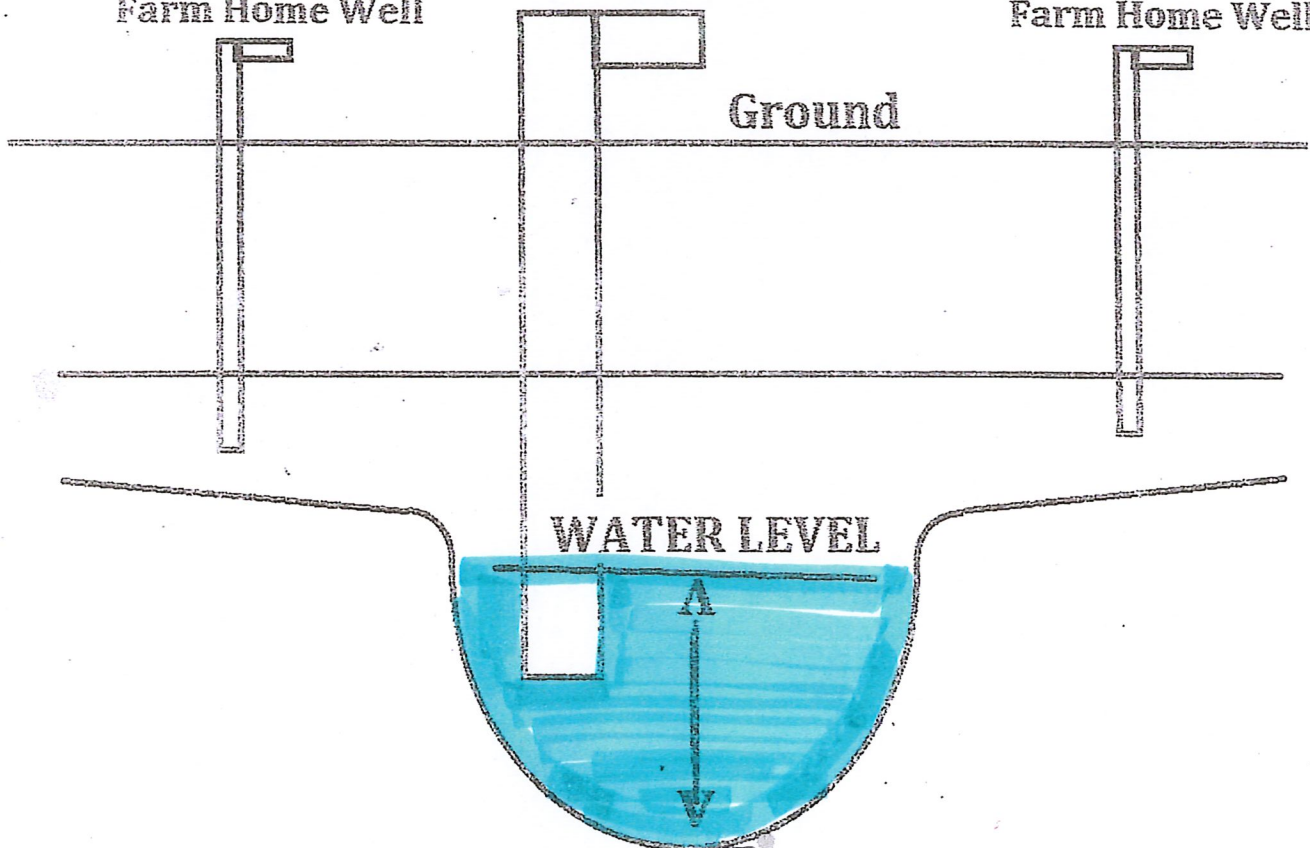
Farm Home Well

RV Site Well

Farm Home Well

Ground

WATER LEVEL



I am also here today to represent the Danish Cemetery Association located directly west of the proposed campground. The cemetery association strongly apposes any kind of developemnt in the area. We wish to maintain the tranquility and serenity of the cemetery that has been in place since the late 1800's. People have told me many times , this is why I love this cemetery and have chosen it for family members and themselves. We are also concerned with vadalism from patrons of the campgrounds looking to "explore" the cemetery late at night.

Thank you for your service to Lancaster County and I would be happy to answer any question you may have.

Dear Lancaster County Planning Commission,

My name is Phyllis Larsen and I oppose Special Permit # 19051. My family lives a half mile away from the special permit site at 17575 N. 70<sup>th</sup> Street. All around us is a neighborhood of people who chose a rural culture--away from crowds of people, noise, signage and traffic congestion.

Article 4 of the county's Zoning Regulations says:

"This zoning is designated for agricultural use and is intended to encourage a vigorous agricultural industry and to preserve and protect agricultural production.

Protecting ag production is important. Ag accounts for more than \$1 trillion of the US Gross Domestic Product. Soaring global food demand is expected to increase 50 -70 percent in 2050. But only 17% of American land is ideal for farming.

A study from American Farmland Trust finds that loss of farmland is much greater than was generally known.

- 31 million acres of farmland was lost from 1992 to 2012
- That's 175 acres per hour. During the time I speak to you, 15 acres will be lost. (3 acres/min)
- 41% of the loss came from development in rural areas—the situation we're discussing today.

11 million of the acres lost are our country's best land—land with superior soil conditions to grow food.

<https://modernfarmer.com/2018/05/10-numbers-that-show-how-much-farmland-were-losing-to-development/>  
<https://www.agweek.com/business/agriculture/4443480-31-million-acres-lost-development-cuts-us-farmland>

40% of the Special Permit land is classified as Prime Ag Land. (Web Soil Survey, Nat. Cooperative Soil Survey map)

- Page 10 of the Greenprint Challenge used to guide the development of the county's Comp Plan says: "Prime and productive farmlands are valuable assets."
- "We should be "seeking reasoned conservation of agriculturally productive lands" (pg. 9)

The land in question is productive farmland and corn harvest was just finished. The only time this land was not in ag production was a brief time after a new owner's special permit application for a drag strip was denied in 2007. Instead he did some dirt mining. The drag strip special permit was denied because our county's planners and commissioners recognized that this non-ag use was inconsistent with the comprehensive plan and would have a negative impact on the neighboring residents. Now here we are again, at risk for compromising our lifestyles and businesses for a high-density RV park.

Let's take a look at compatibility with the Comprehensive Plan.

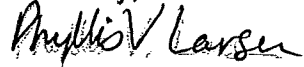
STAFF REPORT COMP PLAN CITATIONS	NEIGHBORS COMP PLAN CITATIONS
<p>"...campground is in conformance with...Plan and the proposed...Zoning Regs....Plan encourages recreation and use <u>will not negatively impact surrounding properties.</u></p>	<p><i>(Disagree: Potential for serious harm in areas of water, waste, environment, safety, privacy. No co. officials asked those within 1 mile about impact on their lives, property.)</i></p>
<p>5.2 – Co. benefits from many quality of life factors that attract both employers and employees. LC provides a wide range of art, entertainment, and recreation opportunities. All of these <u>assets should be emphasized to encourage economic devel.</u></p>	<p>5.4 <b>Ag is the dominant land use</b> in LC...3/4 of all land...an <b>important economic factor in the county's future.</b> Ag's impact on the local economy goes beyond...production. Farms ...contribute to the local tax base and sustain growth for other bus. in ag industry</p>
<p>5.4 – Ag is the dominant land use in LC...3/4 of all land...an impt. economic factor in the co.'s future. Ag's impact on the local economy goes beyond sale at end of production. Farms of all sizes make purchases... which <u>contributes to the local tax base</u> and sustain growth for other business in the ag industry.</p>	<p><i>(Will all the people living year-round in this RV park pay the same taxes as all of us?)</i></p>
<p>9.3 Public and private partnerships are important in the <u>development of recreational opportunities and the preservation of environmental resources</u> that bring a high quality of life to the City and County.</p>	<p><i>(Is a swimming pool that may not be open year round a recreational opportunity?)</i>  2.7 Ensure...rural development preserves and <b>protects environmentally sensitive areas and maximize preservation of nonrenewable resources such as land.</b>  2.7 <b>Preserve areas throughout county for ag production</b> by designating areas for rural residential development.  5.5 Continue efforts to <b>preserve viability of the county's ag industry</b> through zoning.  7.12 The 2040 plan supports the <b>preservation of land in the county for agricultural</b> and natural resource purposes.  7.2 Encourage acreages to develop in appropriate areas and <b>preserve farmland.</b></p>
<p>12.3 - this site is shown as <u>future agriculture</u> on 2040 Lincoln Area Future Land Use Plan</p>	<p>12.3 - this <u>site is shown as future agriculture</u> in the 2040 Lincoln Area Future Land Use Plan.</p>
<p>12.4 – Ag land is <u>principally in use for ag production.</u> Agricultural land may be in transition to more diversified <u>agribusiness ventures.</u></p>	<p>12.4 <b>Ag land is principally in use for ag production.</b>  <i>(This land is productive farm land now. 40% is categorized as Prime farmland. A campground is not agribusiness.)</i></p>

Contrary to what the staff report says, this project is incompatible with goals of our county's Comprehensive Plan. Those goals encourage diversified agribusiness and preservation of land for agricultural purposes. It's repeated over and over in the plan.

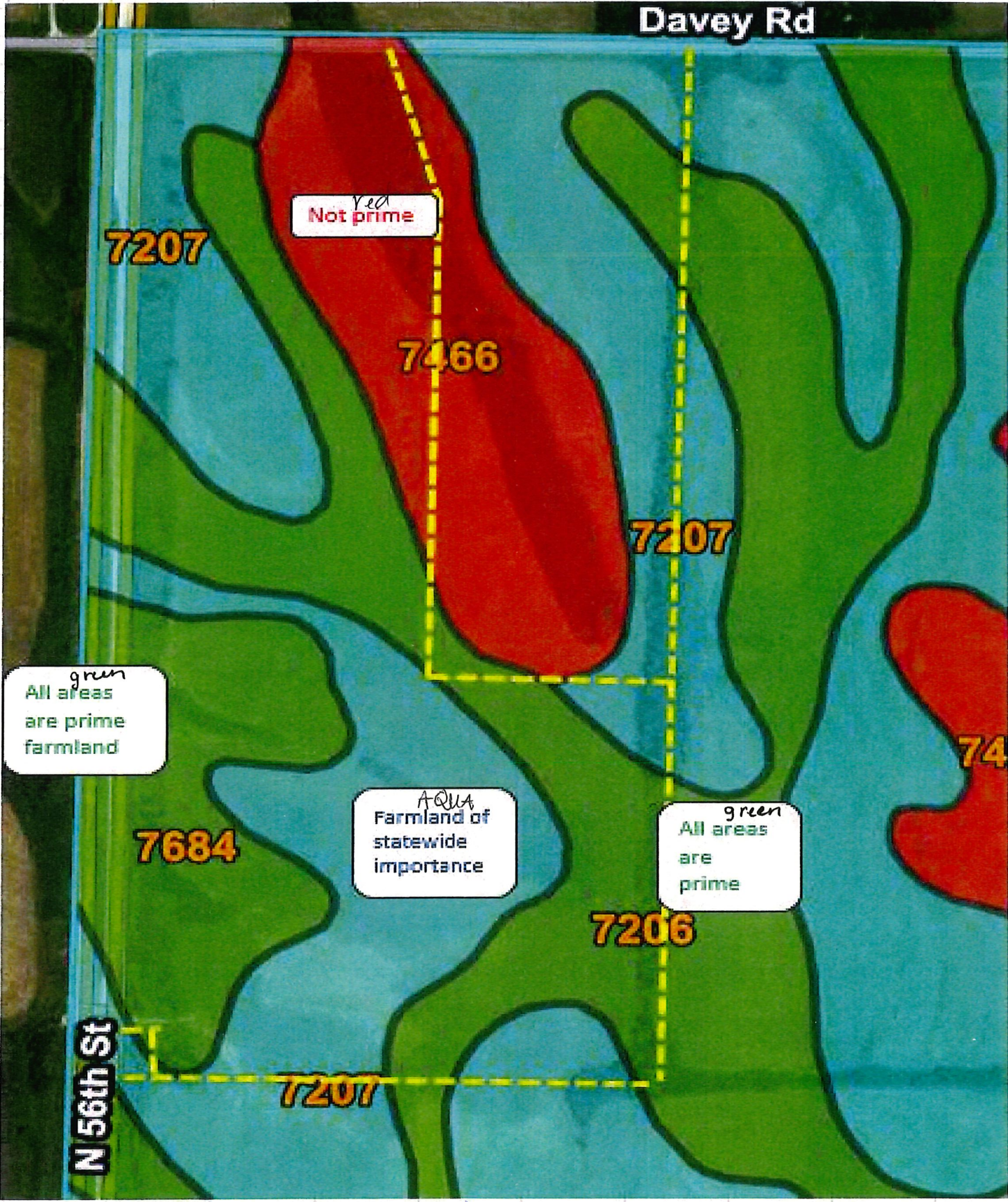
Camp A Way is a commercial venture—certainly not agribusiness. The Queens have done a nice job activating their supporters and showing the reputation of their current business. But allowing this type of commercial creep onto AG zoned land is not sound implementation of the Comprehensive Plan. This site simply isn't the right fit for a campground.

Thanks for giving this some thought. I know you do your best to protect the good people of our county and I hope you'll vote no on Special Permit #19051.

Sincerely,

A handwritten signature in cursive script that reads "Phyllis V. Larsen".

Phyllis V. Larsen



*green*  
All areas  
are prime  
farmland

*AQUA*  
Farmland of  
statewide  
importance

*green*  
All areas  
are  
prime

7207  
prime 7684  
7206  
7466

*12.70* 17.40  
5.26  
12.70  
5.52

17.96 acres  
of Prime Land

**RE: Special Permit #19051 & Text Amendment TX19009**

My name is Elaine Swanson. My husband and I live directly across highway 77 from the proposed RV site at 5507 Davey Rd.

My special concern in this proposal is runoff from the densely populated RV Park itself, and the adequacy of and possible breaches of the waste water lagoon system into the adjoining Ash Hollow Creek and the waterway that runs through our property.

It is proposed that two one half acre lagoons, 100x 200 feet, will be used for 240+ camping sites, laundry, restrooms, pools, site store and residence home. Using conservative estimates, there could be 500-700 or more people during peak times. The village of Davey, 1.5 miles west, has a \$700,000 waste water treatment facility including two 600x300 foot lagoons on 20 acres of land, which will serve only 62 homes with 156 residents. The two proposed 100x200 foot lagoons seem totally inadequate to the large amount of water and waste that will be generated at the campsite.

As I mentioned earlier, any runoff from the campground itself, the dogrun and any lagoon inadequacies or breaches, as shown on the web soil survey map, will drain directly toward Ash Hollow Creek and into the Jack Sinn Wetlands protected area. This wetland is home to two endangered species, including the Tiger Beetle, as well as all the other myriad wild life. Our wetlands are an invaluable resource that is disappearing at an unprecedented rate in this country and cannot be compromised.

In talking to Tracy at DEQ she said that any breaches or overflows must be reported to the NPDES and must be cleaned up by the owner. By the

time this happens all of the harsh chemicals entering the creek will be well on their way to the wetlands. With our completely unpredictable weather, heavy rains, and overflows can be a definite possibility. This doesn't speak to the constant runoff a community of 500+ would send to the creek with every rain. I asked the Nebraska Game & Parks Commission about the impact of an RV Park of this size with the presence of lagoons on the wetlands. They were completely unaware of SP19051 or TX19009 or the agricultural land being used for this trailer park. Consequently, Nebraska Game and Parks will be monitoring this project closely. I spoke to Shannon at Game & Parks. His number is here for any of you on the planning commission if you wish to speak to him. He also said he would be glad to speak to anyone else with concerns.

I have also spoken to the Army Corps of Engineers and the EPA clean water section about the impact of the RV Park in regards to the wetlands and waterways on or near the property.

As far as water availability for the campground I spoke to Steve Rowell at HHS regarding 180 day stay lengths at the RV Park, which could completely change the water status to a community public water system, which he will also monitor closely.

This RV Park impacts this area in many ways. It is up to the planning commission to look at all aspects and take enough time to make an informed decision.

Thank you,

Elaine

Shannon at Nebraska Game & Parks Commission 402-471-5423

N

Area of Interest Interactive Map

View Extent Contiguous U.S.

Drainage towards Wetlands



S

<https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>

Hwy 77

● Proposed Lagoon Sites

December 2, 2019

Dear Lancaster County Planning Commission,

My name is Gary Larsen. I live in the same section 1/2 mile east from the proposed special permit site at 17575 N. 70<sup>th</sup> street. I'm a fourth-generation farmer and I oppose special permit #19051 and have several concerns on the local impact of this application.

One of my concerns is ground water. Water is hard to find and highly variable in quantity and quality. That's the reason there is no irrigation in the area. It is stated in the ground water report that static levels have remained somewhat constant. Could it be that each of the existing residences uses in a year what the proposed campground will use in a day? There is no existing data that guarantees that recharge rates will keep pace with such massive water usage threatening the other wells and surface springs in the area.

Another concern is waste water management. It is proposed that two ½ acre lagoons will be used for 240 camping sites with 35% (84) sites being long term sites. Using conservative estimates, there could be 500 to a 1000 people or more during peak times. The village of Davey, 1.5 miles west, has a \$700,000 waste water treatment facility plus two, four-acre lagoons on nearly 20 acres of land to serve 62 homes with 156 residents. This special permit proposal seems inadequate with the amount of water and waste that will be created. This project should be on a location with city water and sewer services.

This land is designated Ag Land and is currently in production. The 2040 comprehensive plan states that land should stay Ag land where possible. A campground is not agribusiness related in anyway. Calling this a "recreational area" because it will have a swimming pool, which will use more water, and other minor conveniences seems disingenuous to the original intent of the Comprehensive Plan.

Population density and public safety are also a concern. I see possible problems with having an unknown number of unidentified people on each pad. Will they all be registered with the campsite? There is no mention of security in the plan. If this is truly a "family friendly" place, this seems inconsistent. This proposal will stress the local volunteer fire and rescue as well as county law enforcement.

It seems to me that what's being created here is a "trailer park village." There's no benefit for the local community. The only benefit is a monetary one for the applicant—at the expense of area residents. For this and other reasons, I oppose this special permit and I ask that you diligently weigh our concerns. Thank you for allowing me to speak on this matter.

Sincerely,  
Gary V Larsen

**Re: Special Permit # 19051 & Text Amendment TX19009**

I am Douglas E. Swanson, 5507 Davey Road

Upon Selling our 105 year old family Ford business in Ceresco, we decided to move to the country in 2014. Peace, tranquility, open spaces and a relationship with the former owner, were reasons for us to move to an acreage after living in town all of my life. My wife was a farm girl. We LOVE the peace and quiet, view and space. Why is it that generations of peace and quiet can be changed at the blink of an eye.

Are City Fathers and Developers already supporting the Queens in this very expensive endeavor? This trailer park could be one of the larger communities in Lancaster County. If Lincoln wants a place for itinerate workers to enable construction for future Lincoln growth, why don't the powers that be, subsidize a land purchase next to the city with sewer, water, fire and police protection? Why not use the old city dump on the west side of HWY 77, or the old Nebraska auto auction on the east side? The Beautiful Sunken Gardens was a former Lincoln dump.

Our way of life can be changed in a heartbeat forever with NO recourse. This site will stress our water, add noise pollution, lighting to our night skies, traffic, plus possible undesirable people bringing added work for police and fire and rescue departments. Take example of workers in North Dakota oil fields with no place to live and the trouble they brought.

If approved, I can have a Cacklefest on my property at various times. A Cacklefest is a get-together of race and muscle cars with open headers, belching noise, and fire. This would give camp ground residents a taste of what a drag strip would have done to my neighbors for hours at a time, and I would be cited for disturbing the peace and waking the dead. But a Camp-A-Way can have noise, traffic and light pollution daily with no consequences forever changing our way of life and enjoyment of our acreage.

You, the members of the Lancaster Planning Commission would not want this in YOUR front yard, so why should we have to put up with it in ours? And this is considered Agricultural-use no less? Now, we have enjoyable distant neighbors; next a trailer court city, just across the road, changing our lives forever!

**STRONGLY WEIGH THESE CONSEQUENSES!**

## **RE: Special Permit #19051 & Text Amendment TX19009**

I am Douglas E Swanson, and live at 5507 Davey Rd. I am opposed to this so-called RV park/Camp-A-Way, or I would call it a trailer court for many reasons. Why do you have the right to change the rural way of life that has gone on for generations. When if it were across the road from you, you would oppose it?

- 1. A quiet peaceful place for our retirement.** We moved to the country for a quiet peaceful retirement where I could pursue my old car hobby and my wife could work with gardening and plants. The proposed campground states that it will have such amenities for paid guests to include: swimming pools, play ponds, playground facilities, volleyball, horseshoes and basketball play areas. SO much for a quiet and peaceful retirement. These so-called amenities all add to noise and light pollution for surrounding farmers, acreage people, cemetery, farm animals and pets. None the least of these, the added burden of traffic getting on and off of Davey Road. My wife and I are part of CPR (Citizens for Protection of Rural Life) Repeating, we moved here for a quiet, peaceful life without the amenities of noise, traffic and light from a trailer court city moving in next to us. We do not want to have to be a part of a potential water district with need for a water tower, water purification system and piping that could occur following the installation of this so-called Camp-A-Way. We cannot afford the extra tax burden that this would bring. Again, generations have lived on farms and acreages in this area and would not believe that such a thing as a trailer court could be put next to them and have this be considered agricultural land use!
- 2. Proper Campground Zoning Ordinances** While there are few of these type of establishments in the county, Lincoln DOES have an ordinance in place that should be followed to the letter. No pick and choose to what THEY think is needed. Proper zoning laws and procedures need to be put in place before permits are issued and approved. Studies of the best policies and regulations from around the country for such sites need to be reviewed before stressing water wells, police, volunteer fire and rescue, and adding stress to neighbors, farmers and the dead across the road in the Danish cemetery.
- 3. 240 Camp sites with rental trailers.** This site is to provide full water and electrical service hookups along with lagoon/sewer hookups available to each RV, a living quarters and general store. 16 Camping trailers, designed to look like cabins, will be available. 240 sites can easily be 500-700 people at any given time. 180 day stays make this a community with some different community regulations. Extended stays and campers with skirting, make this more of a trailer court than an RV park. Do YOU, members of the planning commission, want a trailer court in your adjoining yard? Cabin-like trailers should be fully built cabins with appropriate taxes paid, to assist school districts, county

roads, police, and rural fire and rescue departments. This type of site, many times, draws undesirable persons, coming in as construction workers and etc. Who monitors these people as to potential sex-offenders, drug and alcohol abusers, etc.? If Lincoln wants a cheap place for these workers to live for future city growth, why don't the powers that be subsidize a land purchase next to the city with city water, sewer, fire and rescue and police protection? How about the old dump site on the west side of HWY 77 just north of Lincoln? Or how about the old Nebraska Auto Auction site on the East side of HWY 77?

4. **Water.** Water is a precious commodity in this area. If water were plentiful, as the site buyers claim, there would be irrigation all-around. We haven't had a drought for several years. When droughts occur, it is very hard for wells to sustain a acreage, let alone a trailer court. Our well is 300' deep and barely supports my wife and I. There are supposedly only 7 registered wells in the surrounding one-mile area. Our well was installed in 1971, so it didn't require registration. Wells didn't have to be registered until 1993, so there are many wells not registered. The total number of wells in this area should be accounted for before this request can be approved. Where does the one-mile line begin and end? Some people, depending on where the mile line is, have not been contacted. A minimum 2-mile radius should be considered for a large site, such as this. A neighbor just hit salt water when drilling a new well.
5. **Police, Fire and First Responders.** The proposed site would be protected by the Lancaster County Sheriff's Department, and the Nebraska State Patrol. It has been stated that most times, there are only four (4) sheriff deputies patrolling over 800 square miles at any given time. Deputies or State Patrolmen can many times be at the far end of the county assisting an accident or other call when assistance is needed, making for an extended response time. Ceresco volunteer fire and rescue would be responsible for calls at this site. They can be stressed for personnel, especially during the daytime. Are there adequate taxing policies in place for the police, fire and rescue squads to adequately protect this site? Communities of this size usually have fire hydrants. We do not want this proposed site to add extra burden to our local, already stressed, tax payers in this area.

**Douglas E. Swanson**

Camper better in the intersection of Drey Road and Hwy 77  
yesterday morning Dec 3, 2019. Not completely off  
Hwy 77 and blocking Drey Road. They had to go to the bathroom.  
This was not stated!



**PLANNING EXHIBIT #22 12/4/19 PC HEARING SP19051 CAROL SHERMAN**

I am Carol Sherman and I speak today on behalf of my husband & myself. We live on our farm at 6305 Agnew Rd.. My husband & I met with Mr. & Mrs. Queen sharing with them our concerns about locating a camp/ground on Farm Land at Hwy 77 & Davey Road.

**We are in opposition to SP 19051 for the following reasons.**

1. **The Long Range Plan for Agricultural Land** is to keep it as agricultural land.
2. **Limited Water Supply in the area** When we moved to our farm, over 40 years ago, one of the first things we learned, was that there is a very limited water supply in Northern Lancaster County, and if you drill too deep you get salt water. We were fortunate to find water with the first hole drilled, but multiple neighbors had many dry wells before finding water on their farms and having to pipe it ¼ mile or further to their home. Some of their wells only produce 2-3 gallons per minute of water.

The NRD report shows THEY only have 7 registered wells in the 1 mile radius since they started registering wells in 1993. When our well was drilled in 1974, **it was registered**, I think with the Health Department. A conservative count is that there are at least 23 wells within the 1 mile radius to give a more accurate picture of the amount of groundwater already being pumped for domestic & farming use in this area.

At the Nebraska Center for Water at Innovation Campus, I was given this picture of the Location of Observation Wells for monitoring water levels by UNL & the NRD. It shows there are no Observation Wells in Northern Lancaster County. I was told that is because the water supply is so limited that there was not enough to monitor.

You can drill a well and get 50-100 gallons of water per minute, but with as much water as the RV Campground would need every day, there are several questions that need to be answered.

1. How long will the water last?
- 2 Will it cause the underground water level to lower enough that neighbor's wells go dry?
3. It will cost neighbors \$5-10,000 to drill a new well if water can even be found deeper without getting salt water?

No one knows the answer to these questions. Today, the water table level is the highest it has been for many years, but in a few years, the water table level will be lower again. Those of us who have lived in this area for many years know that there is a **very real possibility that our wells will go dry** if the RV Campground is allowed.

**Water is not only necessary for our lives, it is essential for our livestock and farming businesses.** A RV Campground at Hwy 77 & Davey Road would use more water than all the neighbors combined. It would overtax the natural resources necessary to supply the water we need to survive in our existing businesses.

3. **Planning Department files show 3 previous campground applications.** A 40 site campground, (SP06054) on W. Saltillo Road, was given conditional approval by the Planning Staff but was denied by the Planning Commission on basis of water among other things. SP10020 on E. Adams was withdrawn given strong opposition on concern of water, population density, and possible future zoning changes. SP08051 at NW 112th was withdrawn citing water shortage.

Please Vote to NOT allow a RV Park or Campground in the middle of the Farm. It needs to be located where it would have city water & sewer, as well as the many other public services and stores that their campers would need.

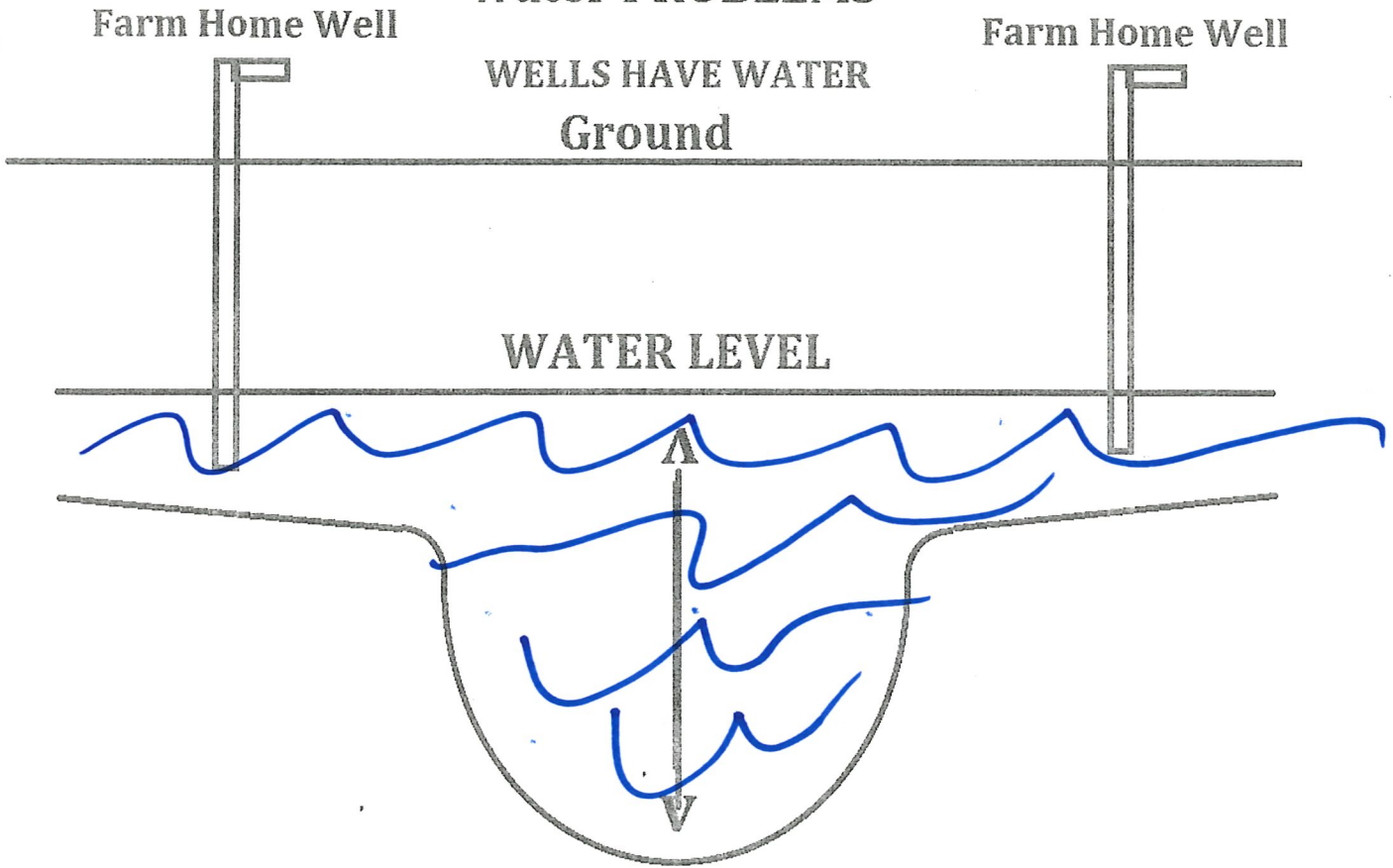
**Please vote NO on SP19051.**

Thank You.

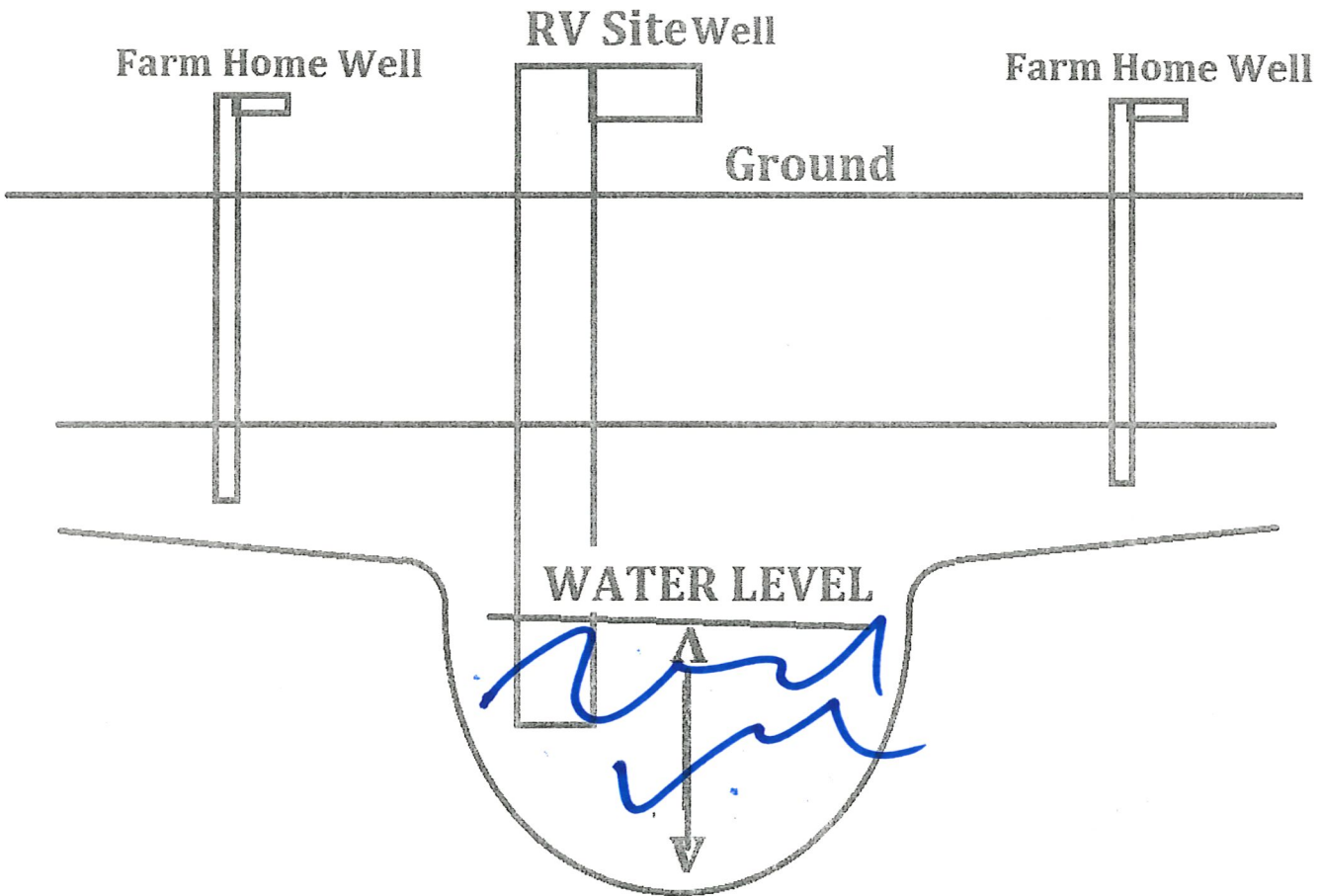
Carol J Sherman

4. Increased Traffic on Hwy 77, with posted speed limit of 70 MPH. Our observation is that the traffic is A LOT HEAVIER over the last 1-2 years. Often we have to wait 5-10 minutes to cross the north bound lanes to turn south. Or we may have to go North & then ¼ mi down the road make a U turn from the turn lane to be able to go south. We drive a pickup or SUV which can get up to speed much faster than a large RV could.

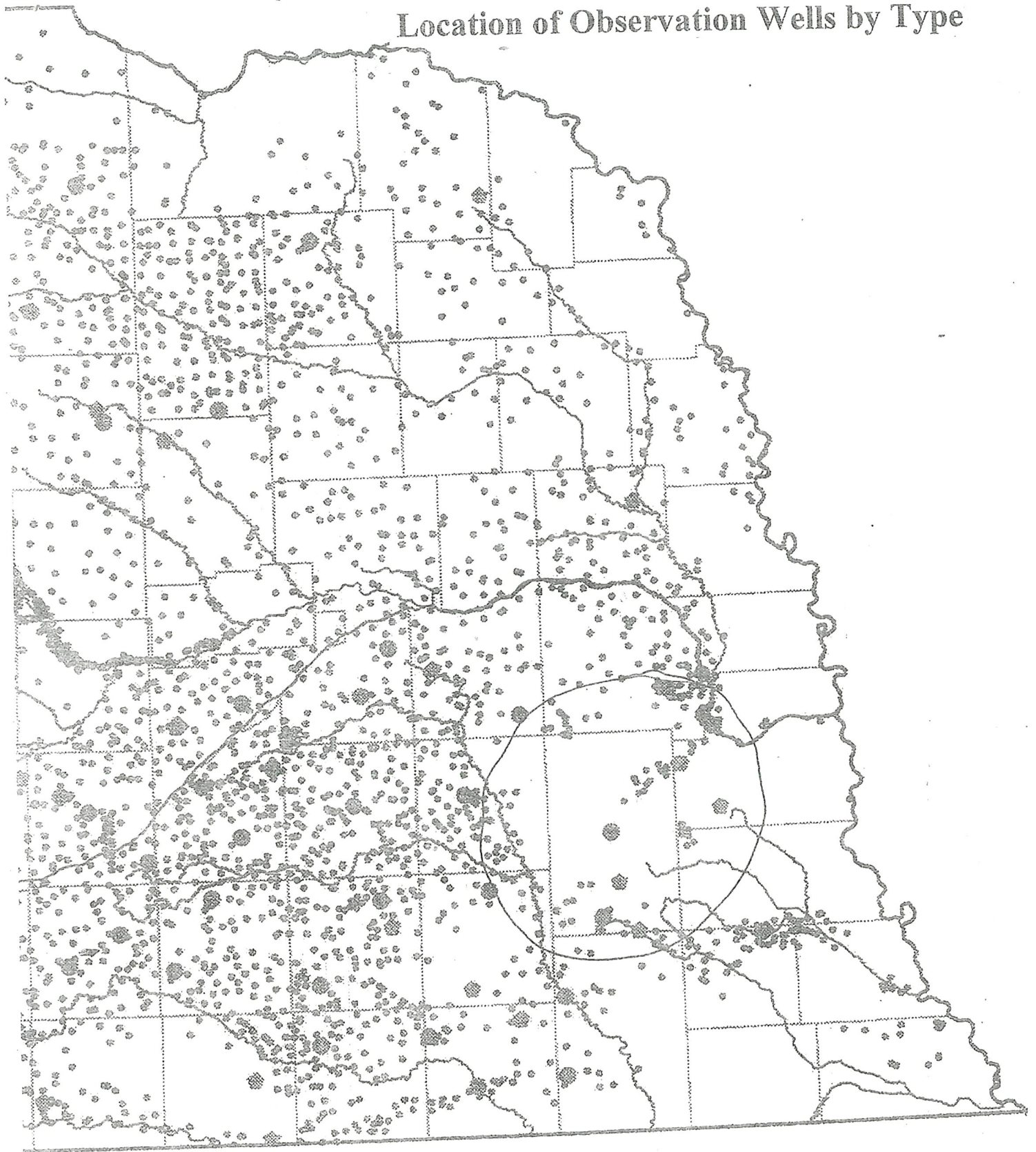
# Water PROBLEMS



COULD BE DRY WELL AFTER RV SITE



# Location of Observation Wells by Type



Good Afternoon! My name is Martha Minchow and I live at 8181 Davey Rd., Lincoln, Ne. Our family **owns land within 1 mile as well as across the road from this proposed site.**

I am here today to express my concern for the **safety and welfare** of the potential campers at the proposed camp grounds at Highway 77 and Davey Rd.

As people gather at any location, for any reason, it is not a matter of "if" but rather one of "when" the quick response and intervention of a police department, fire department or rescue department is needed.

When an incident takes place at Camp Away at 200 Campers Circle in Lincoln, the services of the Lincoln Police Department or the Lincoln Fire and Rescue Department are requested.

Statistics gathered from the police reports for this location verify that the response time from the call for assistance being received and law enforcement arriving is **10 to 11 minutes.**

Assistance was requested for a variety of reasons ranging from domestic disturbance, other disturbance, domestic assault, suspicious vehicle, Social Services Welfare Check, trespassing, suspicious person, vandalism, death and even compulsory education or truancy of a 12 year old.

Not to get distracted but I am curious how and why a truancy call would be sent to a camp grounds? That would seem to indicate established residency.

Back to the topic at hand, the development of the camp ground at Highway 77 and Davey Rd. would now place the responsibility to respond in the jurisdiction of the Lancaster County Sheriff Department.

As stated on the Lancaster County Sheriff's Department web site, "Although primarily handling calls for service to the people outside the city of Lincoln, the Sheriff's Office also works cooperatively with the Lincoln Police Department, Ne. State Patrol, University of Ne. Police, and the Ne. Game and Parks Commission."

The Lancaster Sheriff's department includes 76 commissioned deputies who patrol the 846 square miles of Lancaster Co. These deputies are assigned to various duties on one of three shifts which would indicate that at any time there would only be about **4 officers to cover the 846 square miles.** Applying that fact, it becomes apparent that the response time to any incident, any place in the county, would most likely require more than a 10 min.

Earlier I had also mentioned fires. At the Lincoln location, the Camp Away is protected by the Lincoln Fire & Rescue Department. The city prides itself in having fire stations strategically

located throughout the city to limit the response time to a fire or rescue to **5-7 mins**. The Highway 77 & Davey Rd. campground would be under the jurisdiction of the Ceresco **Volunteer** Fire Department. Here the response time has been reported to be **20 to 45 mins**. Since Ceresco is a **volunteer** service, firemen and EMTs are not always on location to activate the necessary equipment.

Often a water truck is needed to supplement the water that is available at the rural site. That calls for more time. Meanwhile the surrounding residences, crops and trees are in danger. Would the insurance that is carried on the campgrounds cover those losses?

Now that the developers are aware of these statistics, will they be as concerned about the safety of the campers as I am?

Due to my concerns for the safety of the campers, and my fellow local residents, I highly recommend that **when** Camp Away relocates, they reconsider locating where there is **adequate water, protection by the Lincoln Police, Fire & Rescue departments and a sewer system that can handle the amount of waste that will be a product of the campgrounds.**

Thank you for taking these facts into your decision.

## Testimony in opposition to SP19051

My name is Becky Keep and I live at 8601 Davey Road, Lincoln.

I am here today to speak in opposition to a proposed campground nearby.

What you are being asked to do is basically approve a new village. In my opinion, this trailer park is not for the weekend campers, but rather primarily long-term stays. This trailer park, once fully built, will have 240+ campsites and, according to the 2019 North American Camping Report by KOA, with each camper housing on average 2-3 people, a total of 480 to 720 people will reside on 45 acres, which is a trailer village built WITH NO PUBLIC SERVICES, SUCH AS WATER, WASTEWATER TREATMENT, ROADS, EMT SERVICES, AND WITH NO PLANNING. This trailer park, when full, will become the 4<sup>th</sup> or 5<sup>th</sup> largest village in Lancaster County, after

Lincoln, Hickman and Waverly according to the 2010 census, again with NO PUBLIC SERVICES.

I want to talk about population density in particular and show you what it looks like. We need to care about population density when sharing precious and scarce natural resources.

Pursuant to the 2040 Long Range Plan 2016 Update, p. 2.4, the population density for Lincoln is about 3,000 persons per square mile (640 acres per sq. mile). By this application, this site will have a higher population density than the city. At capacity, this park will have 17 people per acre—the highest density area in the county.

Consider County Zoning Article 4.016--AG Preservation

That regulation is: 1 dwelling is allowed per 20 acres. You created these regulations to preserve ag land and prevent heavy population density.

But the applicant wants 35% of the campsites--about 84 RVs—to have semi-permanent residents living there 6 months at a time. What prevents them from leaving for one day and then returning—to become basically permanent residents?

So 84 RVs in 45 acres is about 42 dwellings per 20 acres.

Not one on 20 acres as required by Ag Preservation zoning, but 42. PLUS there would also be the 30-day residents there as well.

To illustrate another way, Davey has about the same number of acres but only 62 homes as opposed to 240 trailers. This RV park would put a high density village -- FOUR TIMES as many homes as Davey has--onto Ag land. With no PUBLIC SERVICES and oversight of water use/quality, no oversight of waste disposal, dedicated law enforcement or emergency response. This would be a town with no comprehensive plan; even tiny Raymond (pop. 183) and Denton (204) have one.

I ask that you please respect the county zoning ordinance on AG preservation and vote no on SP19051. Thank you.

## CPR Life (Citizens for the Protection of Rural Life)

[plan@lincoln.ne.gov](mailto:plan@lincoln.ne.gov)

Lincoln-Lancaster County Planning Department

555 S 10th St, Room 213

Lincoln, NE 68506

My name is Marlene Tracy and I live at 17500 N 84<sup>th</sup> Street in northern Lancaster County. I have lived here for 29 years and travel Davey Road to Highway 77 daily.

Dave and Jolene Queen are promoting recreational camping at the proposed site at Highway 77 and Davey Road by adding recreational amenities.

These amenities include swimming pools, play ponds, playground facilities, volleyball court, horseshoes, basketball court, and dog runs as well as internet services.

According to **'The 2019 North American Camping Report, 5 year trends'** an annual independent study supported by Kampgrounds of America (KOA), "campers are continuing to make strong connections between camping and other recreational activities". (Please see a copy of my reference accompanying this document)

These recreational activities include: hiking/backpacking, fishing, scenic drives/sight-seeing, canoeing/kayaking, visiting historical sites, biking and bird watching in that order of preference as you see on the accompanying chart.

Of these mentioned recreational activities, only visiting historical sites and bird watching would be available at this isolated site on Highway 77 and Davey Road. Campers would have to drive 12 miles to Lincoln to visit historical sites, and I doubt there will be many birds to watch until trees and shrubs can be planted to attract different species preferred by bird watchers.

There will be no fishing, canoeing or kayaking here, so if this activity is desired, the campers would have to transport their equipment several miles to nearby lakes to accomplish their activities. Most of these nearby lakes offer camping as one of their amenities, so it would probably be wiser for these campers to set up camp there instead.

Hiking, backpacking and biking, also, would not be available at the proposed site as there are no established trails in this area of Lancaster County. I suppose bikers could go out on Highway 77, but since the speed limit has been increased to 70 mph, it would be much more dangerous than using established trails, etc.

The fact is that all you see for miles and miles from this proposed site is farm land, farms and acreages now required to be established on 20+ acres of land.

The closest town is Davey with a population of 156, which is a little over a mile west on Davey Road. Davey has one bar and a part time post office. The next closest town is Ceresco, about 5 miles north on Highway 77. Ceresco has a filling station/convenience store and a restaurant. My point is that in order to get fast food and gas, a camper will have to travel to Lincoln about 10 miles south on Highway 77 to access these. If they need groceries or other items, the travel is over 12 miles to Lincoln shopping centers.

It appears to me that the main reason that Dave and Jolene Queen have chosen this particular site out in the middle of farm land is to address the need for lodging for transient workers who will be coming to Lincoln to build the rumored data center at I-80 and Highway 77. These transient workers are probably the ones that the Queen's are requesting the extended stay of up to 180 days for. And they apparently expect up to 35 percent of their "campers" to be transient workers which, in my opinion, would make this more of a "trailer park".

So, what happens when the data center is built and there is no longer a need for these transient workers in Lincoln? Will there really be any substantial need for this trailer park except for possibly a few Husker fans coming in for the football season? I believe this will just become an eyesore smack in the middle of our neighborhood. Would you like this in your neighborhood? We don't.

We do not need up to 240 campsites in northern Lancaster County drawing on our already strained water resources and possibly polluting our streams and the wetlands near Ceresco. We already have higher traffic use on our roads during planting and harvesting seasons as well as increased traffic on Highway 77 during UNL football season. We don't need more traffic congestion caused by 60+ foot long RV's trying to negotiate a left hand turn onto Highway 77 during already busy weekend traffic.

Please vote NO on this application for a campsite at Highway 77 and Davey Road.

Thank you,

Marlene Tracy

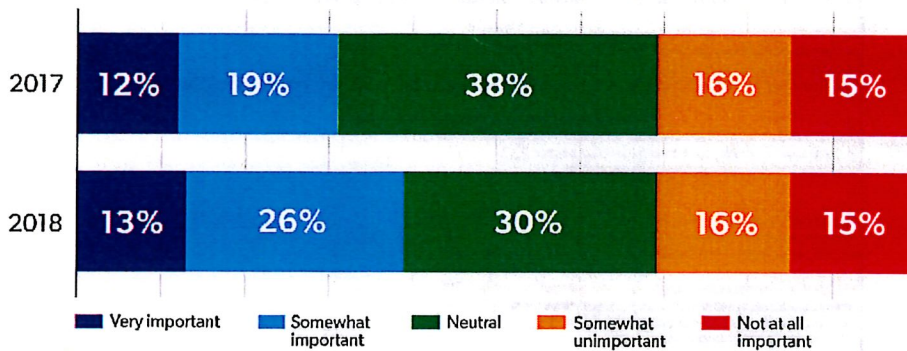
# WHAT CAMPERS DO WHEN THEY'RE CAMPING

## Activities

Nearly all campers (9 out of 10) say they leave campgrounds to participate in other activities, including sightseeing, dining or other outdoor recreational opportunities. Combining a camping trip with a musical event is increasing in popularity from (9 percent in 2016 to 19 percent in 2018).

These findings reflect a desire among campers for more diverse experiences while camping, while continuing to incorporate more forms of outdoor recreation into their camping trips.

## PROXIMITY TO LOCAL ATTRACTIONS [2017-2018]

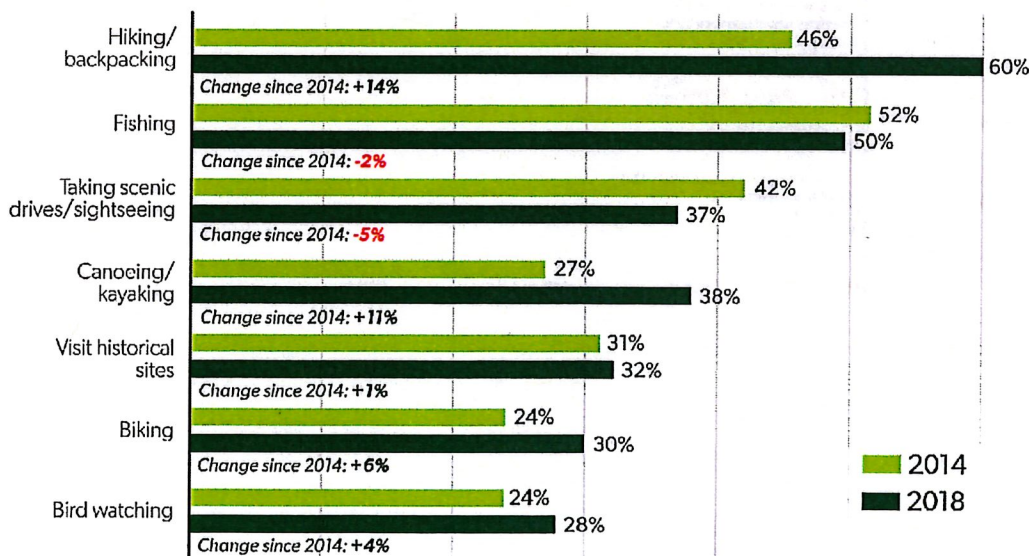


## Outdoor Recreation

The growth in outdoor activities while camping is being driven by the more physical pursuits, including hiking and backpacking (up 14 percent since 2014), canoeing/kayaking (up 11 percent since 2014), and biking (up 6 percent since 2014). It should be noted that fishing continues to be the second-most-popular activity while camping, but has actually dropped slightly in popularity (down 2 percent) since 2014.

Participation in hiking/backpacking has almost doubled among African American campers since 2014 (from 34 percent in 2014 to 63 percent in 2018), while rates of fishing across all groups have dropped somewhat.

## PARTICIPATION IN OUTDOOR RECREATION WHILE CAMPING [2014-2018]





LINCOLN PARKS & RECREATION DEPARTMENT  
3131 "O" Street, Suite 300, Lincoln, NE 68510-1514  
402-441-7847 fax: 402-441-9249 [lincoln.ne.gov](http://lincoln.ne.gov)

October 21, 2019

Dave Queen  
Camp A Way  
200 Campers Circle  
Lincoln, NE 68521

RE: Letter of Support for Special Permit

The purpose of this letter is to share the experience of Parks and Recreation Department staff working with Dave and Jolene Queen doing business as Queenland, Inc. as leaser and operator of Camp A Way recreational vehicle park. The City of Lincoln entered into a lease agreement with the Queens in 1995 when they acquired the lease from the prior operator. The Queens have been conscientious and dedicated operators of the Camp A Way facility for nearly 25 years. Routine inspections of the facility have consistently found it to be in clean, well-managed condition. The Queens take pride in providing welcoming RV facilities for people travelling to and through Lincoln, and have made improvements to the site over time to enhance visitors' experiences. They actively market and promote the facility, including an attractive informative website. Camp A Way and the Queens repeatedly receive high ratings from people visiting the facility.

The current lease agreement between Queenland, Inc. and the City of Lincoln extends through March, 2025. The City has indicated that it does not intend to renew the lease, and will be seeking redevelopment proposals for the site in a prime location along the I-180 corridor in Lincoln. The Queens met with me earlier this year to share they're plans to acquire and develop a new RV park at Highway 77 and Davey Road north of Lincoln. From my perspective, the Queens offer a valuable lodging option for people travelling to and through Lincoln. The Queens have worked to make Camp A Way be more than just a place to sleep, offering site amenities and programs to enhance the experience of their guests. I anticipate that they will bring their wealth of experience and vision for a quality RV park to the new location.

Sincerely,

A handwritten signature in blue ink that reads "Lynn Johnson".

Lynn Johnson  
Parks and Recreation Director

Cc: David Cary, Lincoln-Lancaster County Planning Director



MOTION TO AMEND #1

I hereby move to amend the Conditions recommended by the Lincoln City/Lancaster County Planning Staff Report for Change of Zone #15013A, Tower Heights, as follows:

CONDITIONS OF APPROVAL:

We propose to remove condition 1.5 from the site specific conditions.

Site Specific Conditions:

~~1.5 Provide a pedestrian easement in the general location of Outlot B, as indicated in the November 18, 2019 markups.~~

Yankee Hill Road is an arterial road and is part of the boundary of block 1. Median breaks are limited to ¼ mile spacing on arterial roads and pedestrian crossings are provided at the ¼ mile locations. In this instance the ¼ mile locations are South 48<sup>th</sup> Street and South 52<sup>nd</sup> Street where pedestrian crossings will be provided. Pedestrian crossings on Yankee Hill Road will not be allowed between 48<sup>th</sup> Street and 52<sup>nd</sup> Streets.

Removing this condition would be consistent with other PUDs in the area such as Wilderness Hills Commercial, Wilderness Creek and Wilderness Heights which do not provide pedestrian access between the ¼ connections to arterial/major roads. Additionally, no block length waivers were required in these instances.

There is also a liability concern for the commercial association to provide a pedestrian route through an outlot dedicated for detention. The grade differential between the lots and Yankee Hill Road make it difficult for ADA accessibility and create situations for an increase in fall potential for pedestrians in icy winter conditions. Slopes adjacent to the detention cell add additional requirements for handrails and fall protection.

Any of these individual lots may elect to connect to the public way along Yankee Hill Road, but it shouldn't be a requirement. Pedestrians visiting these lots have access from the west, south, and east. If they are coming from the north, they will have to cross Yankee Hill Road at 48<sup>th</sup> Street or 52<sup>nd</sup> Street anyway and can walk down State Hill Road.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Staff Review Completed:

\_\_\_\_\_  
Administrative Assistant



**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

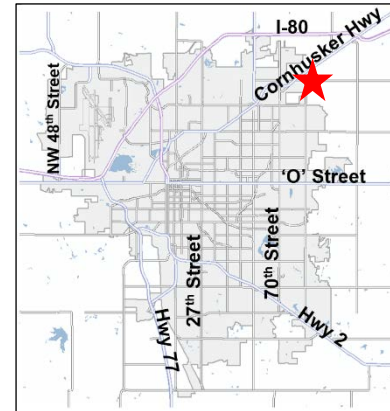
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Annexation #19009	FINAL ACTION? No	DEVELOPER/OWNER N/A
PLANNING COMMISSION HEARING DATE December 18, 2019	RELATED APPLICATIONS None	PROPERTY LOCATION N. 84 <sup>th</sup> Street & Fletcher Avenue

**RECOMMENDATION: APPROVAL**

**BRIEF SUMMARY OF REQUEST**

Annex right-of-way for the east portion of the bridge on Fletcher Avenue located east of N. 84<sup>th</sup> Street. The west portion of the bridge was brought into the City limits in 2009 with the annexation of adjacent property. The annexation would simplify maintenance and future improvement responsibilities rather than having split jurisdiction between the City and the County Engineer.



**JUSTIFICATION FOR RECOMMENDATION**

This annexation is contiguous to the City limits on the west and is consistent with the City's annexation policy. The annexation would transfer full responsibility for the bridge maintenance to the City and alleviate confusion resulting from the split jurisdiction.

**APPLICATION/STAFF CONTACT**

Rachel Jones, (402) 441-7603 or [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The requested annexation is consistent with the 2040 Comprehensive Plan Annexation Policy. The policy does not directly address the annexation of right-of-way, but states that annexation to facilitate the installation of improvements may be appropriate if otherwise consistent with the policy.

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - the adjacent property is shown as future Environmental Resources on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 - Environmental Resources. Land and water masses which are of particular importance for maintenance and preservation, such as saline wetlands, native prairie, and some floodway and riparian corridors.

Pg. 1.10 - The adjacent property to the north is shown in Growth Tier I, Priority B on the Growth Tier Map. The property to the south is shown in Growth Tier 2.

The ANNEXATION POLICY- page 12.14-12.15 of the 2040 Comprehensive Plan.

Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan's Vision. Annexation is a necessary and vitally important part of the future growth and health of Lincoln. The annexation policies of the City of Lincoln include but are not limited to the following:

The provision of municipal services must coincide with the jurisdictional boundaries of the City - in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary sewer services) beyond the corporate limits of the City.

The extension of water and sanitary sewer services should be predicated upon annexation of the area by the City. City annexation must occur before any property is provided with water, sanitary sewer, or other potential City services.

The areas within Tier I Priority A that are not annexed serve as the future urban area for purposes of annexation per state statute and are appropriate for immediate annexation upon final plat. These areas have approved preliminary plans.

To demonstrate the City's commitment to the urbanization of land in Tier I Priority B, the City should annex land that is contiguous to the City and generally urban in character, as well as land that is engulfed by the City. Land that is remote or otherwise removed from the limits of the City of Lincoln will not be annexed. The City should review for potential annexation all property in Priority B for which basic infrastructure is generally available or planned for in the near term.

Annexation generally implies the opportunity to access all City services within a reasonable period of time. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area. The annexation of large projects may be done in phases as development proceeds.

The character of existing residential areas should be respected as much as possible during the annexation process. When low density "acreage" areas are proposed for annexation due to the City's annexation policy, additional steps should be taken to ease the transition as much as possible, such as public meetings, advance notice and written explanation of changes as a result of annexation. In general, many aspects of acreage life may remain unchanged, such as zoning or covenants. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners.

Annexation to facilitate the installation of improvements and/or possible assessment districts is appropriate if it is consistent with the annexation policies of the Plan listed above.

Plans for the provision of services within the areas considered for annexation shall be carefully coordinated with the Capital Improvements Program of the City and the County.

## UTILITIES & SERVICES

- A. **Water and Sanitary Sewer:** A 54" water main exists in Fletcher Avenue. There is a 16" water main located along the east side of N. 84<sup>th</sup> Street and an 8" sanitary sewer main along the west side of N. 84<sup>th</sup> Street.
- B. **Roads:** Fletcher Avenue is classified as a major arterial in the Access Management Policy.
- C. **Parks and Trails:** The Comprehensive Plan identifies a future crossing for an off-street multiuse trail at this location.
- D. **Fire Protection:** The nearest fire station is located at Touzalin Avenue and Fremont Street.

## ANALYSIS

1. The Lincoln-Lancaster County Planning Department proposes to annex 0.29 acres of right-of-way in Fletcher Avenue east of N. 84<sup>th</sup> Street. The annexation area comprises a portion of a bridge on Fletcher Avenue. The bridge was partially annexed in 2009. The proposed application would annex the remainder of the bridge that lies outside City limits.
2. The 2009 annexation included right-of-way in Fletcher Avenue adjacent to the private property being annexed, which inadvertently resulted in the City limits line running through the bridge. The City of Lincoln and the County Engineer currently have split jurisdiction and maintenance responsibility for the bridge. If the right-of-way were annexed as proposed, the bridge would become entirely the City's responsibility to maintain. This would eliminate confusion regarding responsibility for future maintenance costs. No additional private property is being annexed with the bridge.
3. The area of annexation is within the Waverly Rural Fire District. After annexation, fire protection will be provided by Lincoln Fire and Rescue (LFR).
4. The adjacent property north of Fletcher Avenue is in Growth Tier I, Priority B. The property south of Fletcher Avenue is in Growth Tier II. Growth Tier I reflects the "Future Service Limit" where urban services and inclusion in the City limits is anticipated within the 30-year planning period. Tier I includes three Priority Areas for phasing development. Priority A is comprised of undeveloped land within the City limits, as well as areas that are not yet annexed but which have approved preliminary plans. Priority B includes areas designated for development through 2026. Priority C areas are identified for development after 2026. Growth Tier II is a longer term growth area assumed for growth beyond Tier I.

## SURROUNDING LAND USE & ZONING

North: Vacant; I-1  
South: Single family dwelling and agriculture; AG  
East: N/A  
West: N/A

## APPLICATION HISTORY

May 2009      Annexation #08009 was approved by the City Council to annex 150 acres of land in the area of N. 84<sup>th</sup> Street and Cornhusker Highway, including the land north and west of the proposed annexation.

**APPROXIMATE LAND AREA:** 0.29 acres

**PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT:** District 1

**LEGAL DESCRIPTION:** See attached.

Prepared by

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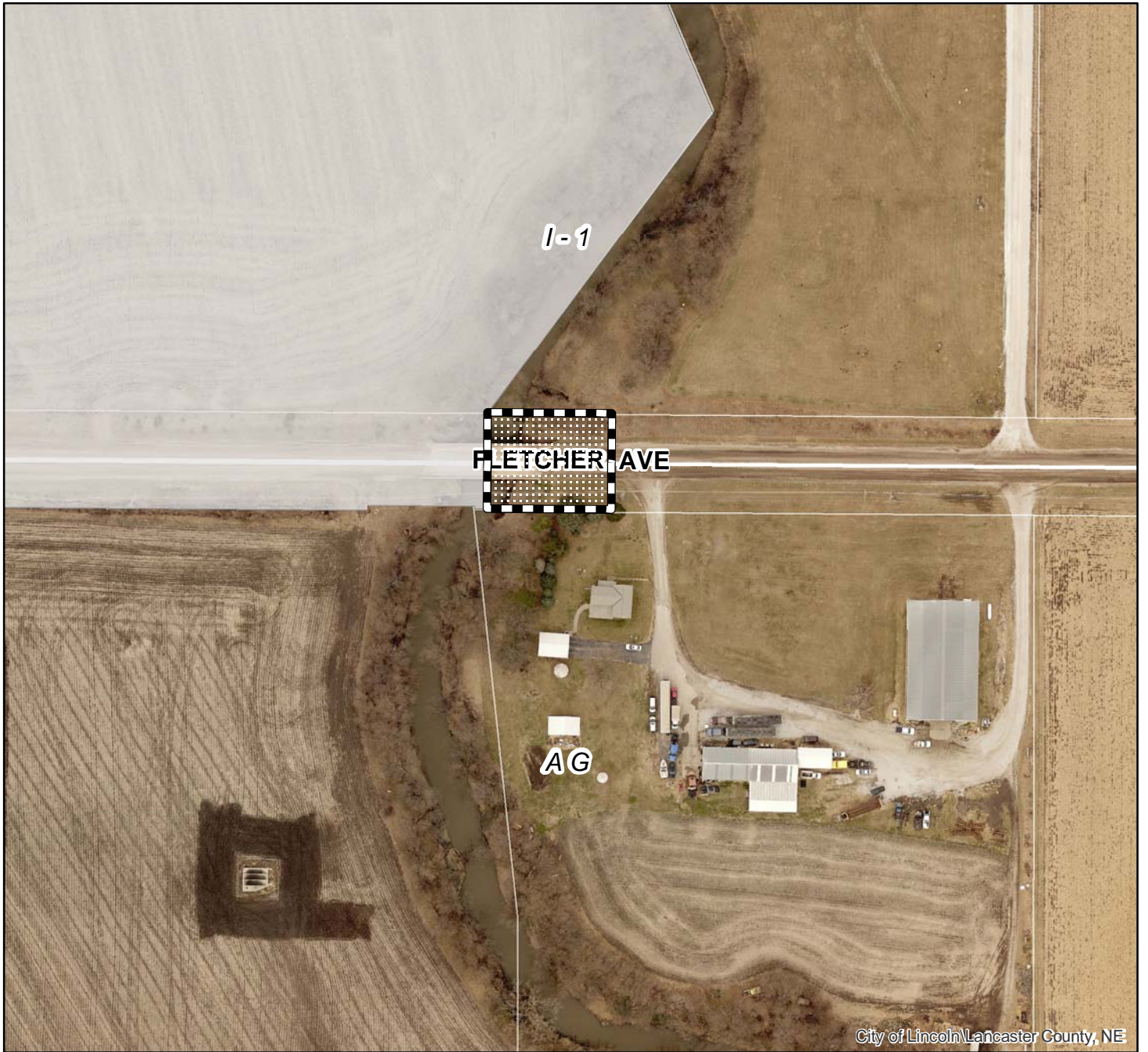
Rachel Jones, Planner

Date: December 12, 2019

Applicant: Lincoln-Lancaster County Planning Department, on behalf of City Council Member Sandra Washington  
555 S. 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508

Contact: Rachel Jones, Planner  
(402) 441-7603 or [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)

F:\DevReview\AN\19000\AN19009 Fletcher Avenue Bridge.rkj.docx



City of Lincoln Lancaster County, NE

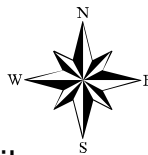
2018 aerial

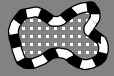


**Annexation #: AN19009  
Fletcher Ave ROW  
East of N 84th St**

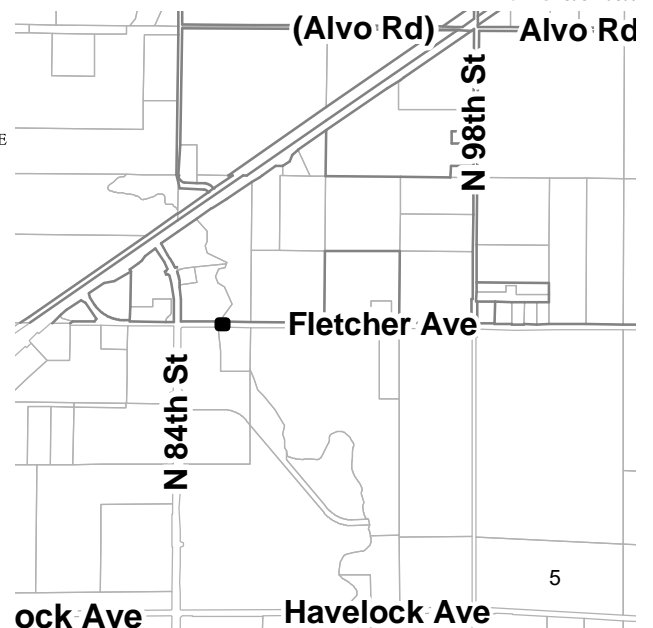
**Zoning:**

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

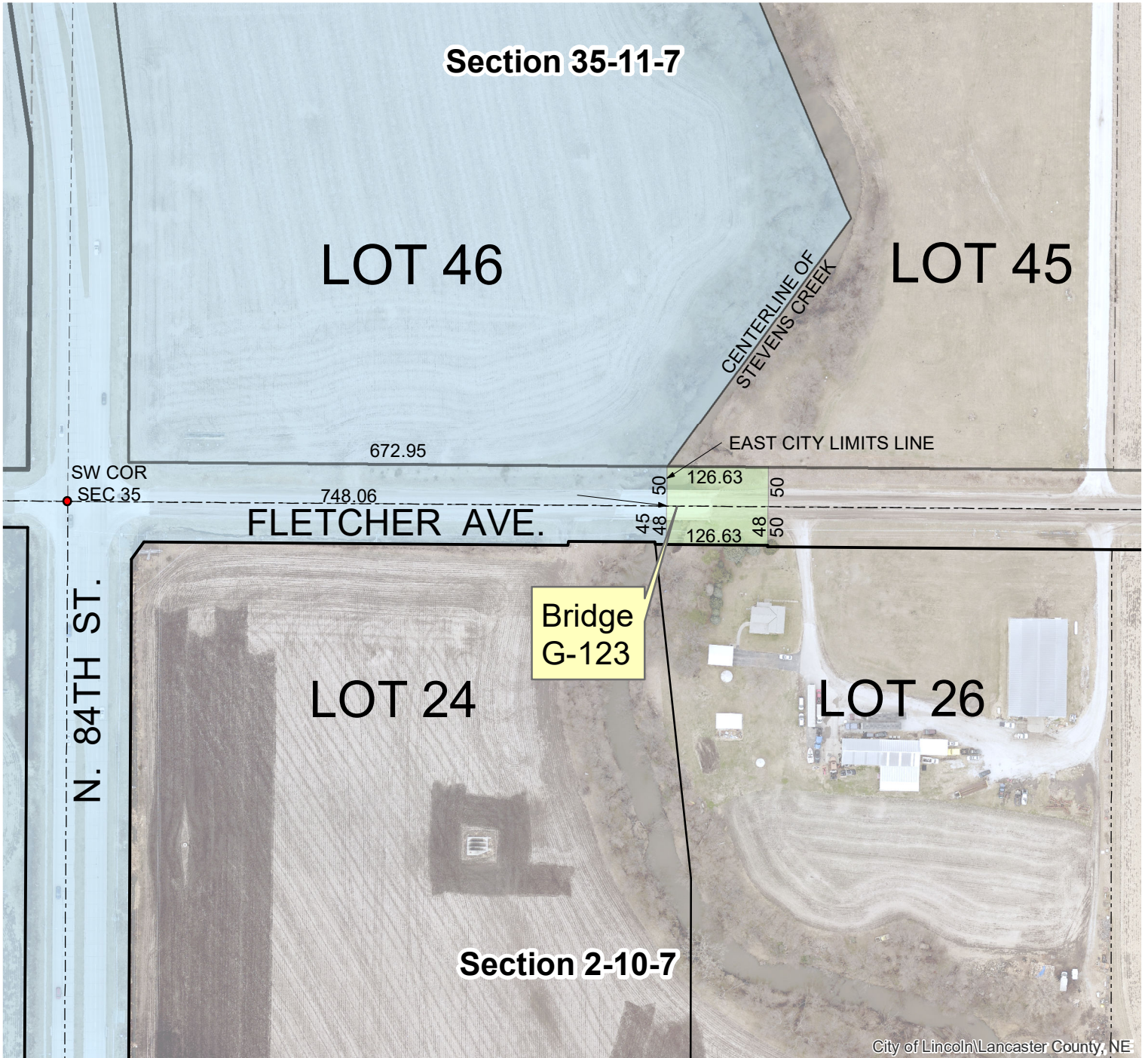
Two Square Miles:  
Sec.35 T11N R07E  
Sec.02 T10N R07E



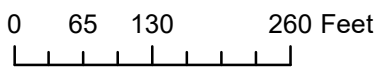
	Area of Application
	Zoning Jurisdiction Lines
	Existing City Limits



# ANNEXATION EXHIBIT "A"



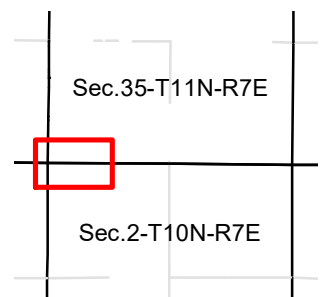
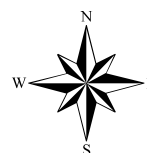
## Annexation Bridge G-123

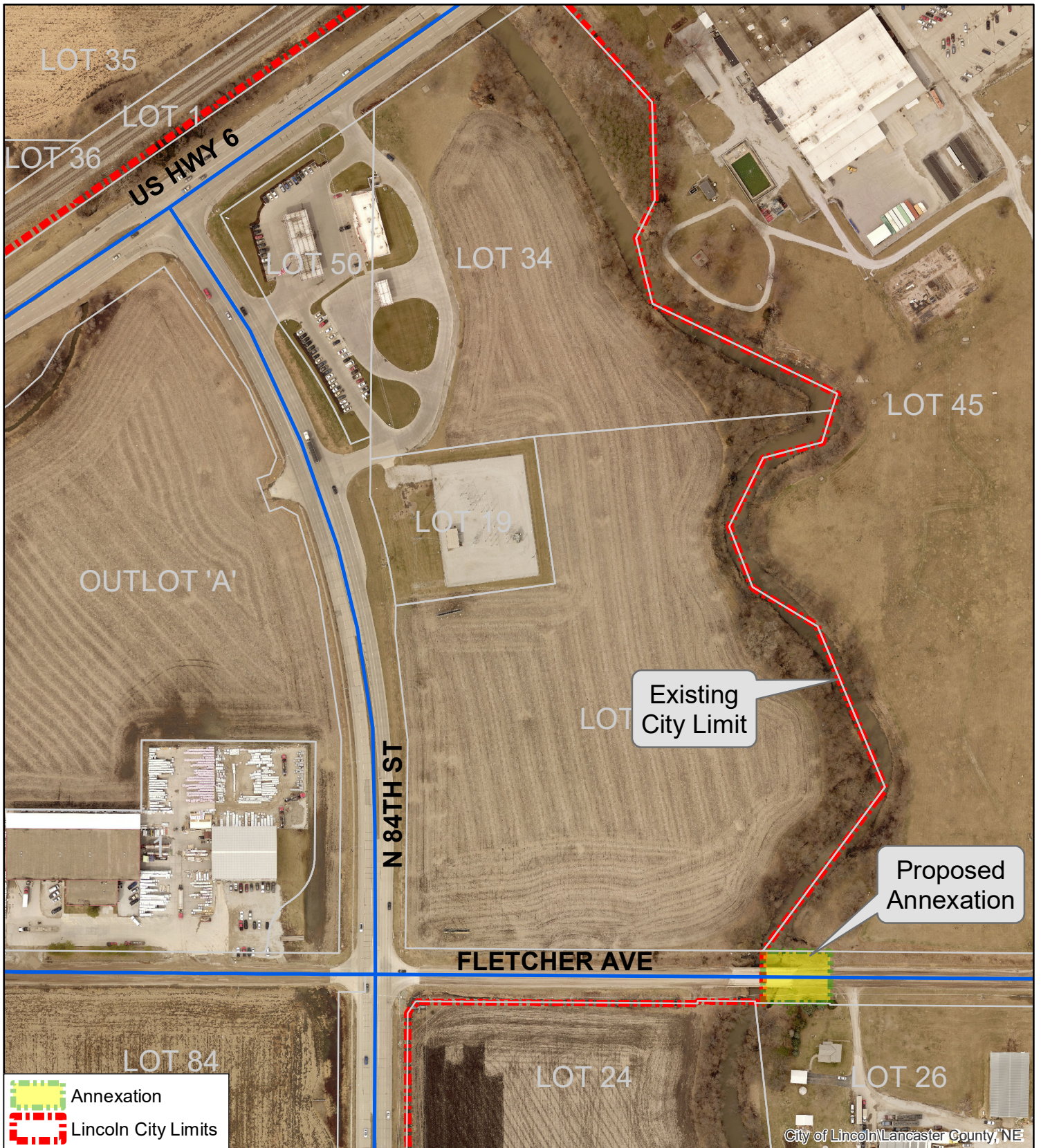


11/20/2019  
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### Legend

- Existing Lincoln city limits
- Annexation area





City of Lincoln/Lancaster County, NE

# Lincoln Transportation & Utilities

## FLETCHER AVE BRIDGE #G-123

AN19009

Dec 05, 2019



## RIGHT-OF-WAY ANNEXATION

A tract of land, located in the SW1/4 of Section 35, Township 11 North, Range 7 East, and the NW1/4 of Section 2, Township 10 North, Range 7 East, of the 6<sup>th</sup> Principal Meridian, Lancaster County, Nebraska, more particularly described as follows:

Referring to the southwest corner of the SW1/4 of said Section 35; thence easterly on the south line of the SW1/4 of said Section 35, a distance of 748.06 feet to a point of intersection with the east City Limit Line for the City of Lincoln, Lancaster County, Nebraska, as recorded in Ordinance No. 19208, and passed on March 02, 2009, said point being THE POINT OF BEGINNING; thence northerly, on a line perpendicular to the south line of the SW1/4 of said Section 35, said line also being the east City Limit Line, a distance of 50.00 feet to a point on the northerly right-of-way line of Fletcher Avenue, said point being the intersection of the centerline of Stevens Creek, said point also being the southeast corner of Lot 46 Irregular Tracts, as located in the SW1/4 of said Section 35, thence easterly on the northerly right-of-way line of Fletcher Avenue, said line being 50.00 northerly of, and parallel to the south line of the SW1/4 of said Section 35, a distance of 126.63 feet; thence southerly on a line perpendicular to the south line of the SW1/4 of said Section 35, a distance of 50.00 feet to a point on said south line of the SW1/4 of said Section 35, said point also being on the north line of the NW1/4 of said Section 2; thence southerly on a line perpendicular to the north line of the NW1/4 of said Section 2, a distance of 48.00 feet to a point on the southerly right-of-way line of Fletcher Avenue said point being a bend point in said southerly right-of-way line; thence westerly on the southerly right-of-way line of Fletcher Avenue, said line being 48.00 southerly of, and parallel to the north line of the NW1/4 of said Section 2, a distance of 126.63 feet to the intersection of the east City Limit Line; thence northerly, on the east City Limit Line, said line being perpendicular to the north line of the NW1/4 of said Section 2, a distance of 48.00 feet to the point of beginning.

Containing an area of 0.29 acres, more or less.

**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

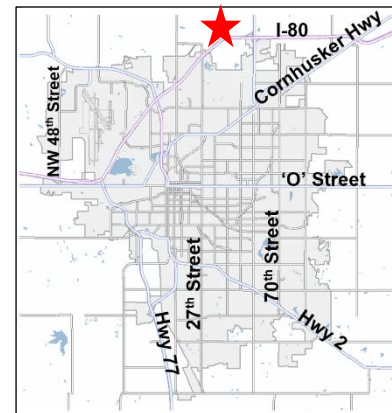
APPLICATION NUMBER Change of Zone #19029	FINAL ACTION? No	DEVELOPER/OWNER Agate LLC
PLANNING COMMISSION HEARING DATE December 18, 2019	RELATED APPLICATIONS Administrative Amendment #19073 to the Sunshine Hills CUP	PROPERTY ADDRESS/LOCATION Southeast of N. 40 <sup>th</sup> Street and Bluff Road

**RECOMMENDATION: APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for a change of zone from AG Agriculture District to AGR Agricultural Residential District over the existing Sunshine Hills Community Unit Plan (CUP).

Applying for a change of zone is a condition of approval for Use Permit #19008 for the proposed data center located northwest of Highway 77 and Interstate 80. It will ensure the Sunshine Hills CUP continues to meet density standards based on removing a large outlot from the CUP boundary that is now within Use Permit #19008 and zoned I-3 Employment Center District.



**JUSTIFICATION FOR RECOMMENDATION**

Applying for a change of zone was previously required as a condition of approval for Use Permit #19008. It will allow the CUP to remain conforming for the density calculation and should not affect the existing residents. If the change of zone were not approved, the dwellings can remain, but the CUP would become nonconforming.

**APPLICATION CONTACT**

Joseph Shields, (402) 399-4833 or [joe.shields@hdrinc.com](mailto:joe.shields@hdrinc.com)

**STAFF CONTACT**

Rachel Jones, (402) 441-7603 or [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The proposed change of zone conforms to the future land use designation of Low Density Residential.

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is shown as future industrial and low-density residential on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 - Industrial. Areas where railroads, manufacturing, trucking and transportation facilities are the dominant land use, with some commercial activities.

P. 12.4 - Low Density Residential. Residential areas, often referred to as acreages, having densities ranging from 1 to 5 acres per dwelling unit, with a typical density of 3 acres per dwelling unit. Existing Low Density Residential areas within the Future Service Limit with urban utilities available may also be appropriate to be considered for future Urban Residential development.

## ANALYSIS

1. This is a request for a change of zone from AG Agriculture District to AGR Agricultural Residential District over the portion to remain of the existing Sunshine Hills Community Unit Plan (CUP), Special Permit #1982. The CUP is located southeast of N. 40<sup>th</sup> Street and Bluff Road.
2. Applying for a change of zone is a condition of approval for Use Permit #19008 for the proposed data center at Highway 77 and Interstate 80. Another condition of approval required that Outlot A, Sunshine Hills Addition be removed from the CUP because a portion of Outlot A was re-zoned to I-3 Employment Center District and included within the Use Permit boundary. The revision to the CUP boundary has been submitted under Administrative Amendment #19073. The change of zone will ensure that the CUP continues to meet density standards with its reduced total area caused by removing Outlot A.
3. Outlot A is approximately 58 acres in size and is located west of the residential lots. It is designated for "Existing Farmland Uses to Remain" on the CUP. With removal of Outlot A, the CUP would be reduced in size to 16.42 total acres. The CUP contains 4 lots, each with a single family dwelling. Under AG zoning, CUPs are allowed up to 0.055 dwelling units per acre. With the removal of Outlot A, the CUP no longer has enough area to allow 4 dwelling units. However, the AGR zoning district allows up to 0.27 dwelling units per acre, which would allow a maximum of 4 dwellings.
4. The standards for setbacks and building height for the residential lots would not be affected by the change because the community already enjoys the same lesser requirements as the AGR district. The development follows the height and lot requirements for 1-acre lots in the AG district, which are the same as those in the AGR district. Therefore, the change of zone should not negatively impact the existing residents.

**EXISTING LAND USE & ZONING:** Single family dwellings, road, and outlots for open space; AG

## SURROUNDING LAND USE & ZONING

North: Agriculture; AG

South: Proposed data center; I-3

East: Agriculture and single family dwellings; AG

West: Proposed data center; I-3

## APPLICATION HISTORY

Nov. 2002 The City Council approved Special Permit #1982 for the Sunshine Hills Community Unit Plan consisting of four residential acreage lots.

June 2019 The Planning Director approved Administrative Amendment #19029 to Special Permit #1982 to allow residences and outbuildings to following the zoning regulations for 1-acre lots in the AG Agriculture district. Previously, the setbacks for all main and accessory buildings followed strict building

envelopes. The amendment was submitted by one of the acreage owners who sought to locate an accessory building within the rear yard setback.

**APPROXIMATE LAND AREA:** 16.42 acres

**LEGAL DESCRIPTION:** Lots 1, 2, 3 and 4 and Outlots B, C and D, Sunshine Hills Addition, located in the NW 1/4 of Section 20-11-7, Lancaster County, Nebraska.

Prepared by

---

Rachel Jones, Planner

Date: December 12, 2019

**Applicant:** Agate LLC  
2801 Centerville Road, 1<sup>st</sup> Floor PMB 811  
Wilmington, DE 19808  
(515-698-5939 or [jtempleman@lolaw.com](mailto:jtempleman@lolaw.com))

**Contact:** Joseph R. Shields  
1917 S. 67<sup>th</sup> Street  
Omaha, NE 68106  
(402) 399-4833 or [joe.shields@hdrinc.com](mailto:joe.shields@hdrinc.com)

**Owners:** Agate LLC  
Attn: Corporation Services Company  
2801 Centerville Road, 1<sup>st</sup> Floor PMB 811  
Wilmington, DE 19808

Haney, Robert T & Donna K  
4500 Harold Ct.  
Lincoln, NE 68514

Evans, Brent and Courtney  
4545 Harold Ct.  
Lincoln, NE 68514

Winkler, Shawn and Jolynn  
4601 Harold Ct.  
Lincoln, NE 68514

Cornelius, David T and Deborah J  
4701 Harold Ct.  
Lincoln, NE 68514

Sunshine Hills Addition Association  
Attn: David Cornelius  
4701 Harold Ct.  
Lincoln, NE 68514

Anderson, Ronald Leroy  
3605 Raymond Rd.  
Davey, NE 68336



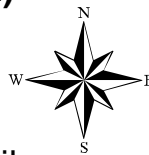
City of Lincoln/Lancaster County, NE

2018 aerial

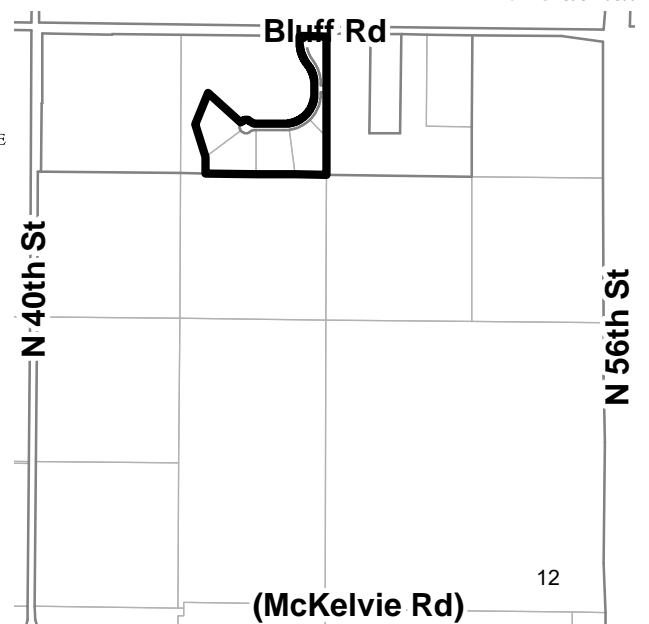
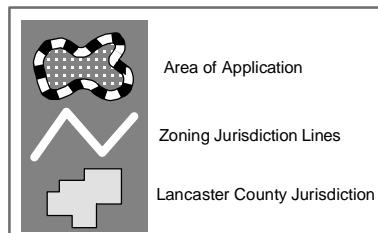
## Change of Zone #: CZ19029 (AG to AGR) Harold Rd & Bluff Rd

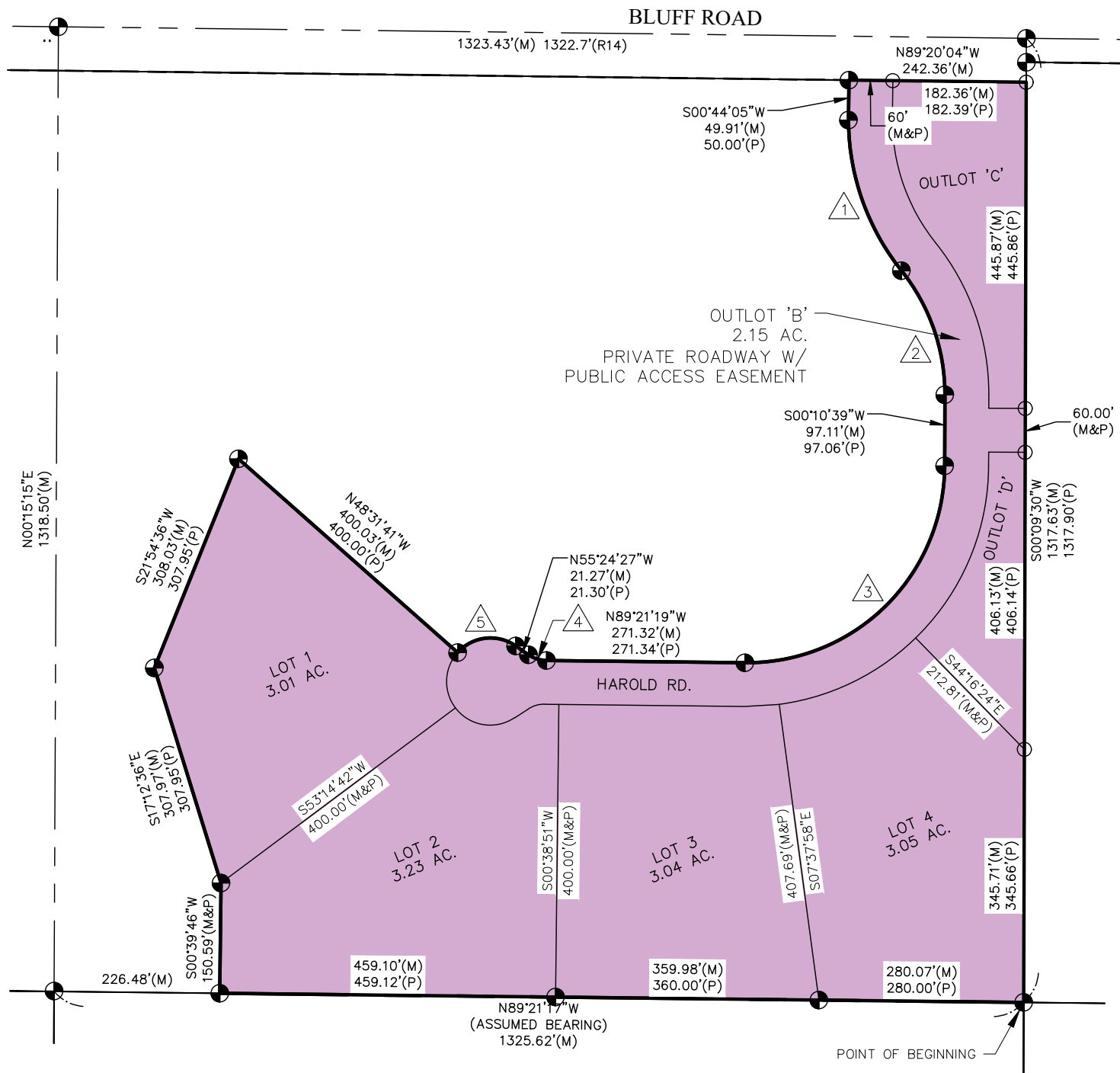
### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District



One Square Mile:  
Sec.20 T11N R07E

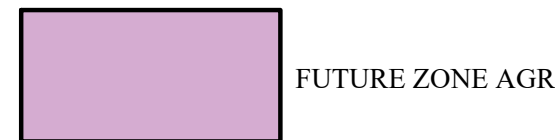




**CHANGE OF ZONE LEGAL DESCRIPTION**

LOTS 1, 2, 3, 4, AND OUTLOTS 'B', 'C' AND 'D', ALL IN SUNSHINE HILLS ADDITION AS PLATTED IN THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 7 EAST OF THE SIXTH P.M., LANCASTER COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 4 OF SAID SUNSHINE HILLS ADDITION; THENCE N89°21'17"W ON THE SOUTH LINE OF SAID SUNSHINE HILLS ADDITION, A DISTANCE OF 1099.15 FEET TO THE SOUTHWEST CORNER OF LOT 2 OF SAID SUNSHINE HILLS ADDITION; THENCE N00°39'46"E ON THE WEST LINE OF SAID LOT 2, A DISTANCE OF 150.59 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF SAID SUNSHINE HILLS ADDITION; THENCE N17°12'36"W ON THE WESTERLY LINE OF SAID LOT 1, A DISTANCE OF 307.97 FEET; THENCE N21°54'36"E CONTINUING ON SAID WESTERLY LINE, A DISTANCE OF 308.03 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE S48°31'42"E ON THE NORTHERLY LINE OF SAID LOT 1, A DISTANCE OF 400.03 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE EASTERLY ON THE NORTHERLY LINE OF OUTLOT 'B' OF SAID SUNSHINE HILLS ADDITION, ON A 60.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 87.20 FEET; THE CHORD OF SAID CURVE BEARS N83°24'27"E, A DISTANCE OF 79.73 FEET; THENCE S55°24'27"E CONTINUING ON SAID NORTHERLY LINE, A DISTANCE OF 21.27 FEET TO A POINT OF CURVATURE; THENCE EASTERLY CONTINUING ON SAID NORTHERLY LINE, ON A 44.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 26.28 FEET, THE CHORD OF SAID CURVE BEARS S72°16'42"E, A DISTANCE OF 25.89 FEET; THENCE S89°21'19"E CONTINUING ON SAID NORTHERLY LINE, A DISTANCE OF 271.32 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ON THE WESTERLY LINE OF SAID OUTLOT 'B', ON A 270.00 FOOT RADIUS CURVE TO THE LEFT, THE CHORD OF SAID CURVE BEARS N45°24'21"E, A DISTANCE OF 383.44 FEET; THENCE N00°10'39"E CONTINUING ON SAID WESTERLY LINE, A DISTANCE OF 97.11 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY CONTINUING ON SAID WESTERLY LINE, ON A 270.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 183.15 FEET, THE CHORD OF SAID CURVE BEARS N19°17'20"W A DISTANCE OF 179.66 FEET; THENCE NORTHERLY CONTINUING ON SAID WESTERLY LINE, ON A 330.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 227.13 FEET, THE CHORD OF SAID CURVE BEARS N18°58'52"W A DISTANCE OF 222.68 FEET; THENCE N00°44'05"E CONTINUING ON SAID WESTERLY LINE, A DISTANCE OF 49.91 FEET TO THE NORTHWEST CORNER OF SAID OUTLOT 'B'; THENCE S89°20'04"E ON THE NORTH LINE OF SAID OUTLOT 'B' AND THE NORTH LINE OF OUTLOT 'C' OF SAID SUNSHINE HILLS ADDITION, A DISTANCE OF 242.36 FEET TO THE NORTHEAST CORNER OF SAID OUTLOT 'C'; THENCE S00°09'30"W ON THE EAST LINE OF SAID SUNSHINE HILLS ADDITION, A DISTANCE OF 1257.71 FEET TO THE POINT OF BEGINNING, CONTAINING 16.42 ACRES, MORE OR LESS.

**LEGEND**



**VICINITY SKETCH**



**CURVE DATA**

<p>1 Δ=39°26'09" R=330.00'(M&amp;P) T=118.27'(M) L=227.13'(M) CHD BRG=N18°58'52"W CHD=222.68'(M) 222.45'(P)</p>	<p>3 Δ=90°28'53" R=270.00'(M&amp;P) T=272.28'(M) L=426.38'(M) CHD BRG=N45°24'21"E CHD=383.44'(M) 383.46'(P)</p>	<p>5 Δ=83°16'08" R=60.00'(M&amp;P) T=53.34'(M) L=87.20'(M) CHD BRG=N83°24'27"E CHD=79.73'(M) 79.84'(P)</p>
<p>2 Δ=38°51'57" R=270.00'(M&amp;P) T=95.26'(M) L=183.15'(M) CHD BRG=N19°17'20"W CHD=179.66'(M) 179.68'(P)</p>	<p>4 Δ=34°13'19" R=44.00'(M&amp;P) T=13.54'(M) L=26.28'(M) CHD BRG=S72°16'42"E CHD=25.89'(M) 25.90'(P)</p>	

PROJECT NO. 182026  
DATE 9/9/2019  
DRAWN BY AWH  
FILE NAME Sunshine Hills zone change.dwg  
FIELD BOOK LANCASTER CO. 12  
FIELD CREW  
SURVEY FILE NO.



November 19, 2019

Mr. David Cary  
Planning Director  
Planning Department  
555 South 10th St., Suite 213  
Lincoln, NE 68508

Re: Sunshine Hills Community Unit Plan  
Applications for Administrative Amendment and Change of Zone

Dear Mr. Cary,

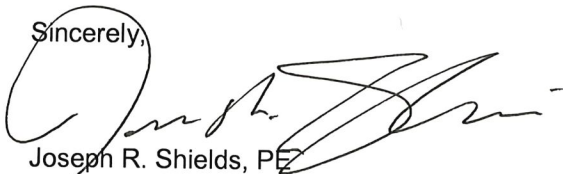
Pursuant to the conditions listed under Use Permit 19008 approved by the City Council of the City of Lincoln, Nebraska, through Resolution A91793 on September 9, 2019, Agate LLC is submitting an administrative amendment and change of zone application. The amendment will remove the area included in the Use Permit boundary from the Sunshine Hills Community Unit Plan Special Permit #1982. The change of zone will change the remaining portion of the Community Unit Plan from AG to AGR. This application will remedy a non-conforming zoning condition caused by the Use Permit referenced above and the related annexation.

Enclosed please find the following:

1. City of Lincoln Application, including:
  - a. Administrative Amendment
  - b. Change of Zone
2. Application fees in the amount of \$1,194.
3. Amended CUP Drawing
4. Change of Zone Exhibit & Legal Description
5. Property Owner and Parcel Number List

Plans and other supporting documents will be submitted to ProjectDox upon notification from the Planning Staff. If you require further information or have any questions, please do not hesitate to contact me at [jshields@hdrinc.com](mailto:jshields@hdrinc.com) or (402) 399-4833.

Sincerely,



Joseph R. Shields, PE

Enclosure

[hdrinc.com](http://hdrinc.com)

1917 S 67th Street, Omaha, NE 68106-2973  
(402) 399-1000

**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

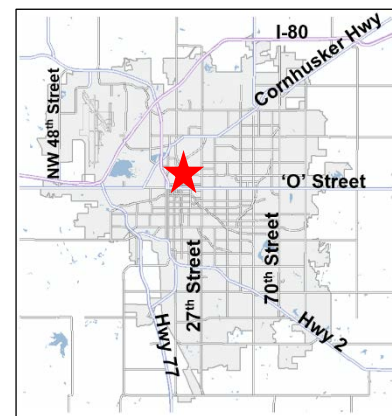
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Street and Alley Vacation 19008	FINAL ACTION? No	AFFECTED OWNERS Board of Regents of the University of Nebraska
PLANNING COMMISSION HEARING DATE December 18, 2019	RELATED APPLICATIONS None	PROPERTY LOCATION N. 17 <sup>th</sup> Street between Vine Street and X Street

**RECOMMENDATION: CONFORMS TO THE COMPREHENSIVE PLAN**

**BRIEF SUMMARY OF REQUEST**

This is a request to vacate North 17<sup>th</sup> Street right-of-way between Vine Street and X Street. The University of Nebraska (UNL)-Lincoln is requesting this vacation to accommodate a building addition near Vine Street, student plaza and open space, and private usage of the street for the northern extent. The area to be vacated includes 1.31 acres, more or less.



**JUSTIFICATION FOR RECOMMENDATION**

This portion of the public right-of-way is completely bounded on both sides by UNL facilities. Traffic will not be negatively impacted in the area as there are nearby streets that still will provide for traffic flow, including North 16<sup>th</sup> Street, Vine Street, X Street and Antelope Valley Parkway. North 16<sup>th</sup> Street is an alternate north-south route. With the conditions of approval, vacation of the public right-of-way would accommodate the proposed redevelopment of the area.

**APPLICATION CONTACT**

Nathan Sheldon, (402) 472-6056 or [nsheldon@nebraska.edu](mailto:nsheldon@nebraska.edu)

**STAFF CONTACT**

George Wesselhoft, (402) 441-6366 or [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

Vacation of this portion of public right-of-way will not negatively impact the transportation system and subject to the conditions of approval, this request is in conformance with the Comprehensive Plan.

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

- P. 8.2 - Encourage cooperative planning and site development between the City and public and private educational institutions.
- P. 10.14 - The right of way is shown as a major collector on the Functional Street and Road Classification plan.

## ANALYSIS

1. This is a request to vacate North 17<sup>th</sup> Street between Vine Street and X Street. The area to be vacated includes 1.31 acres, more or less.
2. The University of Nebraska owns all the property that is abutting the proposed vacation area. Previously in March, 2018, the City Council approved the vacation of North 17<sup>th</sup> Street south of Vine Street and approximately 300 feet north of R Street with intent to convert 17<sup>th</sup> Street to a private roadway for UNL. This previous 17<sup>th</sup> Street vacation area included 1.84 acres, more or less. The proposal would extend the vacated area to the north from Vine Street.
3. There are six addresses that will be affected by this street vacation that are assigned to UNL structures/uses for emergency services. As a condition of approval, either those addresses will need to be changed and UNL will need to apply for new addresses, or in the alternative a final plat may be submitted to make the remaining North 17<sup>th</sup> Street a private roadway.
4. Infrastructure located in the North 17<sup>th</sup> Street right of way includes natural gas, water and sanitary sewer. Black Hills Energy has existing gas mains and services within the requested vacation area. There are existing water and sanitary sewer mains that will need to be either relocated or maintained with easements where plans for new building construction do not conflict. The also is existing storm sewer infrastructure that as a condition of approval the applicant will assume ownership as part of the right of way vacation. LES facilities are located in an easement to the east of N 17<sup>th</sup> Street, so no easements are needed for LES with the proposed vacation. There are existing streetlight poles that will need to be removed by LES or sold to UNL so that they can remove them as needed. Allo indicated they have facilities on the northern end of the right of way segment.
5. The Fire Department in their review recommended maintaining accessibility for emergency vehicle traffic, including fire engines and fire aerials including between buildings from Vine Street near where the new UNL engineering building will be located and also north along the same route as the current street. This is a condition of approval.
6. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council.
7. North 17<sup>th</sup> Street is a major collector street in the 2040 Comprehensive Plan. Traffic will not be negatively impacted in the area as there are nearby streets that still will provide for adequate traffic flow, including North 16<sup>th</sup> Street, Vine Street, X Street and Antelope Valley Parkway. North 16<sup>th</sup> Street is an alternate north-south route. StarTran bus service per their website routes map primarily uses North 16<sup>th</sup> Street for north south service in the area (Routes 27 and 42) with one route (Route 42) utilizing both North 16<sup>th</sup> and North 17<sup>th</sup> Street but which could use North 16<sup>th</sup> for its service. StarTran is fine with moving the bus stop at North 17<sup>th</sup> & Vine for Route 42 in front of Abel housing unit to North 16<sup>th</sup> Street.
8. The right-of-way vacation will not affect the transportation system and is consistent with the Comprehensive Plan.

CONDITIONS OF APPROVAL: See attached.

## SURROUNDING LAND USE & ZONING

North: UNL -Parking; P Public

South: UNL - The Courtyards, Athletic Fields; P Public

East: UNL - Abel-Sandoz Welcome Center, Parking; B-1 Commercial, P Public

West: UNL- Nebraska Hall, Scott Engineering Center, Othmer Hall; P Public

**APPROXIMATE LAND AREA:** 57,085 square feet (1.31 acres)

**LEGAL DESCRIPTION:** A tract of land composed of a portion of North 17<sup>th</sup> Street right of way lying between Vine Street on the South and X Street on the North; And Lot 1, Block 11, Antelope Valley 1<sup>st</sup> Addition, the South 10 Feet of the East-West Alley as Vacated by Ordinance No. 11905, Adjacent to Lots 16 and 17 of J. G. Miller's Subdivision of Part of the SE ¼ of the NW ¼ of Section 24, Township 10, Range 6 East, and Lot 16, J.G. Miller's Subdivision of the SE ¼ of the NW ¼ of Section 24, Township 10, Range 6 East on the East side of 17<sup>th</sup> Street, and Lot 1, Block 12, Antelope Valley 1<sup>st</sup> Addition on the West side of North 17<sup>th</sup> Street, all located in the NW ¼ of Section 24, Township 10 North, Range 6 East of the 6<sup>th</sup> P.M., Lincoln, Lancaster County, Nebraska.

Prepared by

---

George Wesselhoft, Planner

Date: December 5, 2019

**Applicant:** The Board of Regents of the University of Nebraska  
3835 Holdrege Street  
Lincoln, NE 68583

**Contact:** Nathan Sheldon  
1901 Y Street  
Lincoln, NE 68588  
(402) 472-6056 or [nsheldon@nebraska.edu](mailto:nsheldon@nebraska.edu)

**Affected Owners:** The Board of Regents of the University of Nebraska  
3835 Holdrege Street  
Lincoln, NE 68583

F:\DevReview\SAV\19000\SAV19008 17th Street Vacation.gjw.docx

## CONDITIONS OF APPROVAL - STREET AND ALLEY VACATION 19008

BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA THE FOLLOWING MUST BE COMPLETED:

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.
- 1.2 Include retention of blanket utility easement by City with deed transfer for vacation area for Allo and Black Hills Energy facilities or in the alternative relocate said facilities to the satisfaction of Allo and Black Hills Energy.
- 1.3 Include retention of utility easement by City with deed transfer for water and sanitary sewer or in the alternative relocate the water and sanitary sewer prior to deed transfer with surety in the amount to the satisfaction of Transportation & Utilities Department along with Executive Order for work in the public right of way.
- 1.4 Maintain accessibility and driving ability for emergency vehicle traffic, including fire engines and fire aerials to travel the remaining portion of the street that is to become private and allow access between buildings from Vine Street for emergency vehicle traffic.
- 1.5 Include conversion of the storm drainage system in the vacated right of way to ownership by the applicant prior to deed transfer to the satisfaction of LTU-Watershed Management.
- 1.6 Submit and complete final plat prior to transfer of title to property or in the alternative submit address change requests to the Building and Safety Department for the affected structures/uses.



City of Lincoln/Lancaster County, NE

2018 aerial

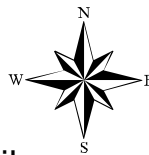
**Street and Alley Vacation #: SAV19008**  
**N 17th St & X St**

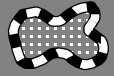


**Zoning:**

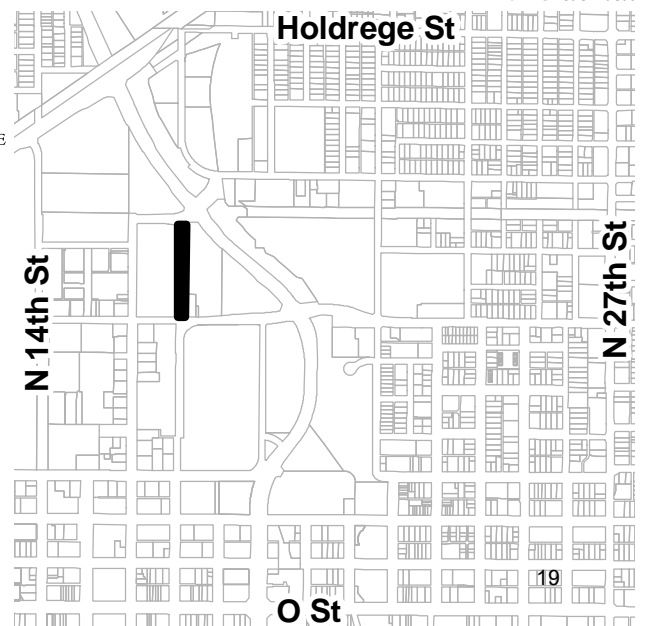
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

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Two Square Miles:  
 Sec.24 T10N R06E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



November 1, 2019

City of Lincoln  
Planning Department  
Stephen Henrichsen, Manager  
555 S 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508

RE: 17<sup>th</sup> Street Vacation (between Vine Street and X Street)

Mr. Henrichsen:

The Board of Regents of the University of Nebraska wish to submit an application to vacate 17<sup>th</sup> Street between the south line of X Street and the north line of Vine Street.

So with that, please find enclosed the following document:

- Planning Department Application Request Form
- Information Sheet
- Petition to Vacate Public Way
- Legal Description

Also enclosed is the following:

- Check in the amount of \$206
- Section of the Plat map showing the subject roadway.

Should you have questions or need additional information please contact me at (402) 472-6056 or via email at [nsheldon@nebraska.edu](mailto:nsheldon@nebraska.edu).

Regards,



Nathan Sheldon, J.D.  
Real Estate Specialist

Enclosures

PIOS & E VON



**LEGAL DESCRIPTION  
RIGHT-OF-WAY VACATION**

A TRACT OF LAND COMPOSED OF A PORTION OF NORTH 17<sup>TH</sup> STREET RIGHT-OF-WAY LYING BETWEEN VINE STREET ON THE SOUTH AND 'X' STREET ON THE NORTH; AND LOT 1, BLOCK 11, ANTELOPE VALLEY 1<sup>ST</sup> ADDITION, THE SOUTH 10 FEET OF THE EAST-WEST ALLEY AS VACATED BY ORDINANCE NO. 11905, ADJACENT TO LOTS 16 AND 17 OF J.G. MILLER'S SUBDIVISION OF PART OF THE SE 1/4 OF THE NW 1/4 OF SECTION 24, TOWNSHIP 10, RANGE 6 EAST, AND LOT 16, J.G. MILLER'S SUBDIVISION OF THE SE 1/4 OF THE NW 1/4 OF SECTION 24, TOWNSHIP 10, RANGE 6 EAST ON THE EAST SIDE OF NORTH 17<sup>TH</sup> STREET, AND LOT 1, BLOCK 12, ANTELOPE VALLEY 1<sup>ST</sup> ADDITION ON THE WEST SIDE OF NORTH 17<sup>TH</sup> STREET, ALL IN THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6<sup>TH</sup> P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 12, ANTELOPE VALLEY 1<sup>ST</sup> ADDITION, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF VINE STREET AND ON THE WEST RIGHT-OF-WAY LINE OF NORTH 17<sup>TH</sup> STREET; THENCE ON AN ASSUMED BEARING OF NORTH 00 DEGREES 17 MINUTES 22 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 1, SAID LINE BEING THE WEST RIGHT-OF-WAY LINE OF NORTH 17<sup>TH</sup> STREET, A DISTANCE OF 636.84 FEET TO A POINT THAT IS 29.10 FEET WEST OF THE CENTERLINE OF NORTH 17<sup>TH</sup> STREET; THENCE NORTH 00 DEGREES 22 MINUTES 37 SECONDS EAST, ALONG SAID LINE, A DISTANCE OF 142.39 FEET TO A POINT THAT IS 28.10 FEET WEST OF THE CENTERLINE OF NORTH 17<sup>TH</sup> STREET; THENCE NORTH 89 DEGREES 23 MINUTES 09 SECONDS WEST, ALONG A NORTH LINE OF SAID LOT 1, BLOCK 12, SAID LINE BEING A RIGHT-OF-WAY LINE OF NORTH 17<sup>TH</sup> STREET, A DISTANCE OF 4.90 FEET TO A POINT THAT IS 33.00 FEET WEST OF THE CENTERLINE OF NORTH 17<sup>TH</sup> STREET; THENCE NORTH 00 DEGREES 01 MINUTES 31 SECONDS WEST, ALONG THE EAST LINE OF SAID LOT 1, BLOCK 12, SAID LINE BEING THE WEST RIGHT-OF-WAY LINE OF NORTH 17<sup>TH</sup> STREET, A DISTANCE OF 70.11 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 12; THENCE NORTH 89 DEGREES 58 MINUTES 29 SECONDS EAST, ALONG THE SOUTH LINE OF NORTH 17<sup>TH</sup> STREET AS VACATED BY ORDINANCE NO. 19400, INST. NO. 2010-44576, RECORDS OF LANCASTER COUNTY, A DISTANCE OF 73.07 FEET TO A POINT ON THE WEST LINE OF LOT 1, BLOCK 11, ANTELOPE VALLEY 1<sup>ST</sup> ADDITION, SAID LINE BEING THE EAST RIGHT-OF-WAY LINE OF NORTH 17<sup>TH</sup> STREET; THENCE SOUTH 00 DEGREES 27 MINUTES 05 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 1, BLOCK 11, AND ON THE WEST LINE OF THE

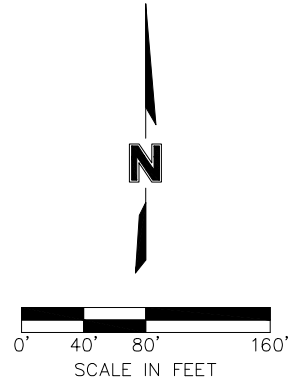
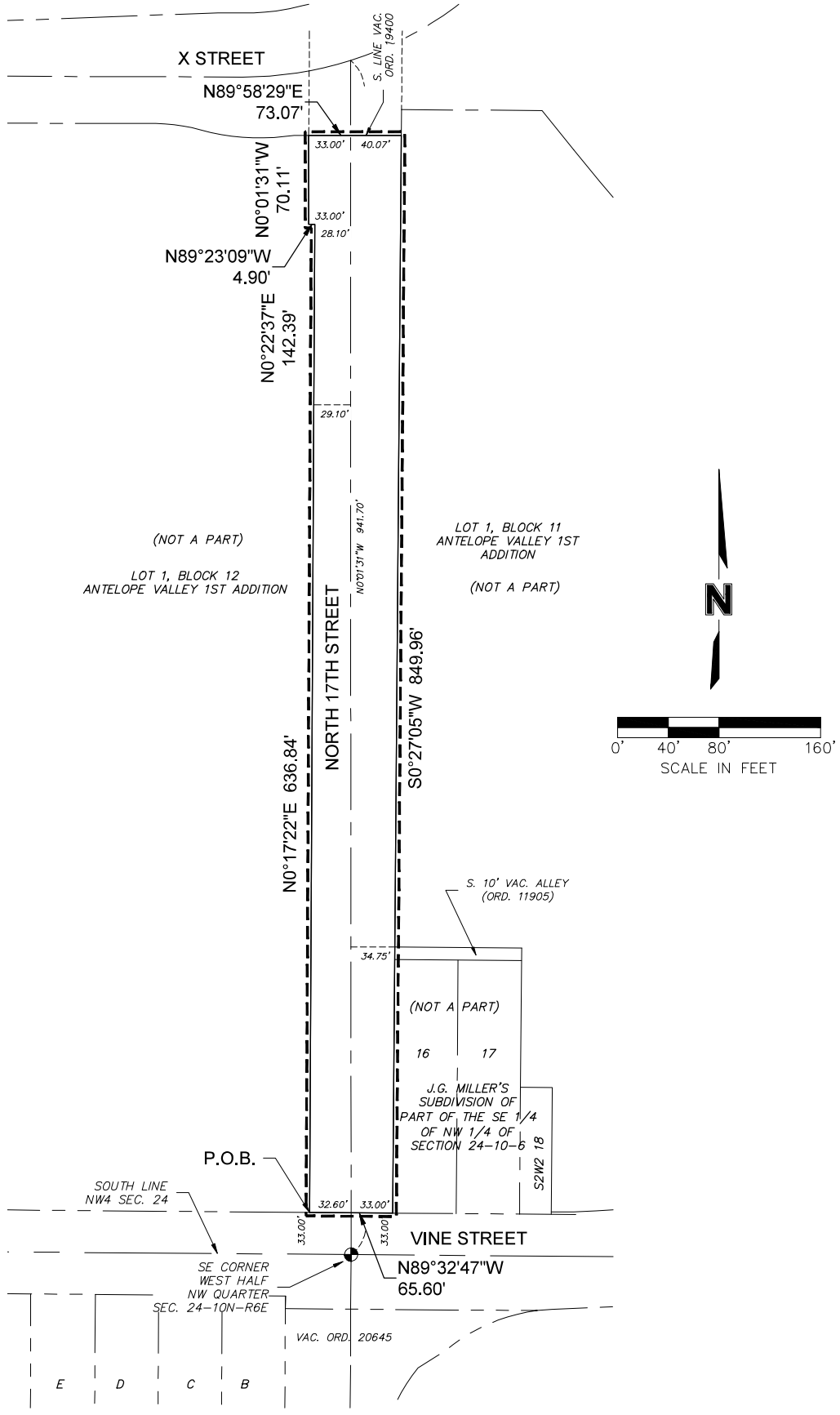
SOUTH 10 FEET OF THE EAST-WEST ALLEY AS VACATED BY ORDINANCE NO. 11905, INST. NO. 77-5896, RECORDS OF LANCASTER COUNTY, AND ALONG THE WEST LINE OF LOT 16, J.G. MILLER'S SUBDIVISION OF PART OF THE SE 1/4 OF NW 1/4 OF SECTION 24-10-6, SAID LINE BEING THE EAST RIGHT-OF-WAY LINE OF NORTH 17TH STREET, A DISTANCE OF 849.96 FEET TO THE SOUTHWEST CORNER OF SAID LOT 16, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF VINE STREET; THENCE NORTH 89 DEGREES 32 MINUTES 47 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF VINE STREET, SAID LINE BEING 33.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24, A DISTANCE OF 65.60 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 57,085.17 SQUARE FEET OR 1.31 ACRES, MORE OR LESS.

December 3, 2019

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DWG: F:\2019\1001-1500\019-1493\40-Design\Survey\SRV\Year\1\_V\_StreetVacation\_0191493.dwg USER: dthomson  
 DATE: Dec 03, 2019 1:02pm XREFS: V\_10PO\_191057 Base-Default V\_SR2-17th\_Street\_017-1444



PROJECT NO: 019-1493  
 DRAWN BY: dat  
 DATE: 12.03.19

NORTH 17TH AND VINE STREETS  
 VACATION EXHIBIT

**olsson**  
 601 P Street, Suite 200  
 P.O. Box 84608  
 Lincoln, NE 68508  
 TEL: 402.474.8311

EXHIBIT  
 24

## Department Review Status Report

**Project Name:** SAV19008

**Workflow Started:** 11/13/2019 9:24 AM

**Report Generated:** 12/10/2019 03:14 PM

Cycle	Department	Reviewer	Email	Status	Reviewer Comments	Applicant Comments
1	Allo Communications	Brec Wilshusen	bwilshusen@allophone.net	Recommend Approval	Allo is present on the northern end of this segment of 17th St.	
	Black Hills Corp	Randy Kreifels	randy.kreifels@blackhillscorp.com	Recommend Approval	BLACK HILLS ENERGY HAS EXISTING GAS MAINS AND SERVICES WITHIN THE REQUESTED VACATION AREA. ARRANGEMENTS WOULD HAVE TO MADE TO ABANDON GAS MAIN. EXISTING LINES ON NORTH AND EAST ENDS ARE NOT IN CONFLICT.	
	Building and Safety	Ron Rehtus	rrehtus@lincoln.ne.gov			
	Charter Communications	David Mason	david.mason@charter.com			
	Development Review Manager	Stephen Henrichsen	shenrichsen@lincoln.ne.gov	Recommend Approval		
	Emergency Communications	Lisa Brown	lbrown@lincoln.ne.gov	Recommend Approval	As long as the new addresses make logical sense for both citizens and first responders. It is unclear if Zipcar is a part of the University or a private company but they would need to change their address as well.	
	Fire Department	Patrick Borer	pborer@lincoln.ne.gov	Corrections Required	Lincoln Fire and Rescue does not request a correction but we recommend a conditional approval. Lincoln Fire and Rescue recommends approval IF the end result of this street vacation allows emergency vehicle traffic, including fire engines and fire aerials to travel essentially the same route to provide all hazard emergency services to this area.	
	Law Department	Kasey Simonson	ksimonson@lincoln.ne.gov	Recommend Approval	The Law Department has reviewed the Petition to Vacate Public Way submitted for SAV19008. The ownership set forth in the Petition is correct and the Petition has been properly executed and acknowledged. This item may proceed.	
	LES	LES Reviews	edreviewer@les.com	Recommend Approval	No comments	
Lincoln Police Department	Luke Bonkiewicz	lpd1691@cjis.lincoln.ne.gov	Recommend Approval			

## Department Review Status Report

1	Planner Review	George Wesselhoft	gwesselhoft@lincoln.ne.gov	Recommend Approval	1) Address changes will be required of the applicant as per Street Name Review comments or a Final Plat submitted to make N. 17th a private street.
	Planning Dept	Brenda Thomas	bthomas@lincoln.ne.gov	No Review Required	
	LTU - Engineering Services	Brion Perry	bperry@lincoln.ne.gov	Recommend Approval	need to show what is to be done with existing utilities and access to the utilities
	LTU - Survey Check	Troy Griffin	tgriffin@lincoln.ne.gov	Corrections Required	add the word "NORTH" to 17th Street
	LTU - Watershed Management	Tim Zach	TZach@lincoln.ne.gov	Recommend Approval	Watershed has no concerns with this street vacation, provide UNL takes over ownership of the storm drainage system in the vacated 17th St. ROW.
	LTU - Wastewater	Brian Kramer	bakramer@lincoln.ne.gov	Corrections Required	Easements for the sanitary sewer need to be identified and indicated on the vacation.
	LTU - Water				
	Street Name Review	Terry Kathe	tkathe@lincoln.ne.gov	Corrections Required	Currently.... there are six addresses assigned to UNL structures/uses that are used for emergency services. If this street is vacated, those addresses will need to be changed and UNL will need to contact this office to coordinate those changes. It may be necessary to install signage to direct those looking for these structures/uses at locations abutting the ROW. This is especially a concern for 911 emergency responders.
	Stronger Safer Neighborhoods	Jon Carlson	jcarlson@lincoln.ne.gov	No Review Required	
	Urban Development	Hallie Salem	hsalem@lincoln.ne.gov	Recommend Approval	Urban Development recommends approval of the vacation in light of the ongoing effort of the University to improve the north south and east west pedestrian connectivity/environment, including landscaping along vine and proposed student plaza and open space. Improvements and greening of 17th south of vine are encouraged to further enhance the connection between Campus and Downtown.
	Urban Development - Real Estate	Michelle Backemeyer	mbackemeyer@lincoln.ne.gov	Recommend Approval	Valuation to be completed after all comments are made.
Windstream					

**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

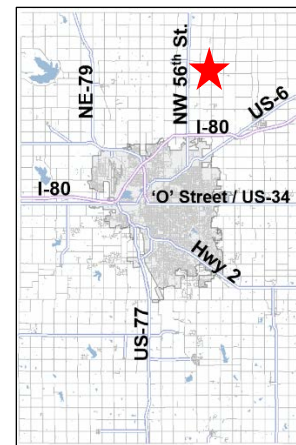
APPLICATION NUMBER Special Permit #19051	FINAL ACTION? Yes	DEVELOPER David and Jolene Queen
PLANNING COMMISSION HEARING DATE December 4, 2019	RELATED APPLICATIONS TX#19009	PROPERTY ADDRESS/LOCATION Highway 77 and Davey Road

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for a special permit per Section 13.014 of the Lancaster County Zoning Regulations for a campground. The campground is proposed for up to 240 camp sites with electrical, water and sewer hook ups. The campground will also have amenities such as a swimming pool, office, playground facilities and convenience goods shop.

The campground will take access off Davey Road and there will be no access off Highway 77. The campground is proposing 2 wells for water and lagoons for wastewater.



**JUSTIFICATION FOR RECOMMENDATION**

Campgrounds are allowed by special permit in the AG District. Campgrounds provide recreations and are an appropriate land use in an agricultural zoned area with certain conditions. This campground meets all conditions that are proposed with the associated Text Amendment TX19009. A water report submitted by the applicant shows that there is adequate water in the area. Nebraska Department of Transportation, Lancaster County Sherriff, County Engineer and Health Department did not object to this application.

**APPLICATION CONTACT**

Kent Seacrest, 402-432-9060 or [kent@sk-law.com](mailto:kent@sk-law.com)

**STAFF CONTACT**

Tom Cajka, (402) 441-5662 or [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The proposed campground is in conformance with the Comprehensive Plan and the proposed Lancaster County Zoning Regulations. The Comprehensive Plan encourages recreation and the use will not negatively impact the surrounding properties.

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 5.2 - Lancaster County benefits from many quality of life factors that attract both employers and employees. Lancaster County provides a wide range of art, entertainment, and recreation opportunities. All of these assets should be emphasized to encourage economic development.

P. 5.4 - Agriculture is the dominant land use in Lancaster County, accounting for roughly  $\frac{3}{4}$  of all land. While this land is largely considered "undeveloped," it is still an important economic factor in the county's future. Agriculture's impact on the local economy goes beyond the sale at the end of production. Farms of all sizes make purchase of goods and services in the city and county throughout the year, which contributes to the local tax base and sustain growth for other business in the agriculture industry.

p. 9.3- Public and private partnerships are important in the development of recreational opportunities and the preservation of environmental resources that bring a high quality of life to the City and County.

P. 12.3 - this site is shown as future agriculture on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 - Agricultural land is principally in use for agricultural production. Agricultural land may be in transition to more diversified agribusiness ventures.

## ANALYSIS

1. This request is for a special permit for a campground per Article 13.014. The applicant is proposing an extensive campground facility with up to 240 RV/campsites with full water, sewer and electrical hook ups. The campground will include a swimming pool, playground, office, convenience goods shop and one residential unit for a caretaker.
2. Of the 240 campsites, the applicant proposes that up to 35% (84) would allow campers to stay up to 180 consecutive days. The remaining campsites would be limited to no more than 30 consecutive days. A text amendment to the Lancaster County zoning regulations is required to allow stays for more than 30 days. An associated text amendment, TX19009, has been submitted by the applicant.
3. Although the AG-Agricultural District is mainly for agricultural purposes, the Lancaster County Zoning Regulations allow other uses by special permit. Other special permitted uses include, but are not limited to, veterinary facilities, garden centers, residential health care facilities, race tracks, commercial wind energy conversion systems and Community Unit Plans (residential cluster developments). Campgrounds have been in the zoning regulations by special permit since 1979.
4. Campgrounds are generally located in rural areas and provide recreation amenities. Campers typically want to get away from the city and enjoy the countryside. Campgrounds also utilize a large amount of ground which makes them cost prohibitive in the city.
5. The site for the campground is zoned AG-Agriculture and is 45.49 acres. The site is located southeast of the intersection of Highway 77 and Davey Road. Access will be off of Davey Road. There will be no access to Highway 77. Davey Road will be paved from Highway 77 to the entrance into the campground.
6. Nebraska Department of Transportation has reviewed this application and is not requiring a right turn lane off of Highway 77 on to Davey Road. Highway 77 is a heavily traveled highway. The Annual Average Daily Traffic at this intersection on Highway 77 was 7,890 in 2018. The amount of traffic generated by the proposed campground will be minimal on Highway 77.
7. The Lancaster County Sheriff's office note that there have been 11 accidents reported at or near the intersection of Highway 77 and Davey Road between October 2016 and October 2019. Seven of these accidents were vehicles hitting deer. Two were injury accidents and 2 were property damage accidents. The Sheriff's office did not have concern with motor homes or vehicles towing a trailer making a right turn off of Highway 77 on to Davey Road without a right hand turn lane. There is a left hand turn lane from Highway 77 to Davey Road.
8. Water will be supplied by two wells on the property. The applicant's engineer has submitted a Ground Water Analysis for the area. The report analyzed 8 wells within the area. The date of well testing range from August 29, 1995 to July 25, 2019. The test results show that the Adjusted Static Water Level went from 1210 in 1995 to 1190 in 2019.
9. The applicant supplied data on water usage at Camp A Way's current site shows that during the peak July/August

months the campground averaged 68.9 gallons of use per campsite per day. Based on this figure the peak demand for the proposed campground would be 16,536 gallons per day. The test well would need to pump for 330 minutes or 5.5 hours per day to satisfy the peak demand.

10. The Lower Platte South Natural Resource District (NRD) has submitted information on groundwater. The report is attached. The report shows that there are 7 registered wells within one mile of the proposed site. All of the wells are domestic and one is on the proposed site. Six of the wells have a pump rate of 10-25 gallons per minute. One well, the proposed site well, has a pump rate of 50 gallons per minute.

The report further states that based on the variation of pumping rates it appears that the ground water supply in this area is variable, which is consistent with the variable nature of the geologic units characterizing this part of Lancaster County.

11. Sewage waste will be handled by 2 sewage lagoons. The sewage lagoons are required to be reviewed and permitted by Nebraska Department of Environment and Energy (NDEE) and by the Lincoln-Lancaster County Health Department (LLCHD).
12. The majority of the site is not classified as prime farmland. There are no wetlands, native grasses or endangered species on the site.
13. The applicant held an informational meeting for residents of the area on October 22, 2019 at the Davey Community Center. Approximately 50 persons attended the meeting. Issues raised at the meeting concerned impact on the quantity of groundwater, traffic, noise and change to the land use.
14. The following conditions are proposed by TX19009:

- a. The campground shall have a minimum of 40 campsites and shall be supplied with a water supply and sewage disposal facilities, including washing, toilets and similar facilities, all of which meet all applicable codes and regulations.

*The proposed campground has 240 campsites, bathroom and laundry facilities, and water and sewage facilities.*

- b. A front yard setback of 50 feet and side and rear yard of 60 feet shall be maintained on the campground.

*The site plan shows setbacks in conformance with this condition.*

- c. No campground may be occupied by the same person or persons for more than 30 consecutive days.

However, if the campground provides recreation and support facilities including but not limited to a swimming pool, convenience goods shop, and office up to 35% of the campground sites may be occupied for no more than 180 consecutive days.

*The site plan shows that the campground will have a swimming pool, playground, office and store. They are requesting that 35% of the campsites be for stays up to 180 consecutive days.*

- d. The campground shall take access to and from a paved public road.

*The site plan notes that Davey Road shall be paved from Highway 77 to the campground entrance.*

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** AG, Agriculture Farm ground

**SURROUNDING LAND USE & ZONING**

North:	AG-Agriculture	Farm ground and 4 acreage lots
South:	AG-Agriculture	Farm ground and 2 houses
East:	AG-Agriculture	Farm ground and one acreage lot
West:	AG-Agriculture	Farm ground and several acreage lots.

**APPROXIMATE LAND AREA:** 45.49 acres, more or less

**LEGAL DESCRIPTION:** Lot 28 Irregular Tract located in the NW ¼ of Section 28, Township 12 North, Range 7 East, Lancaster County, NE.

Prepared by

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Tom Cajka, Planner

Date: November 25, 2019

Applicant: David and Jolene Queen  
200 Campers Circle  
Lincoln, NE 68521  
402-476-2282  
davidlqueen@gmail.com

Contact: Kent Seacrest  
1128 Lincoln Mall, Suite 350  
Lincoln, NE 68508  
402-432-9600  
kent@sk-law.com

Owner: Dirt Mine, 77, LLC  
1440 Linwood Lane  
Lincoln, NE 68505  
402-432-9834

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## CONDITIONS OF APPROVAL - SPECIAL PERMIT #19051

Per Article 13.014 this approval permits a campground for up to 240 campsites.

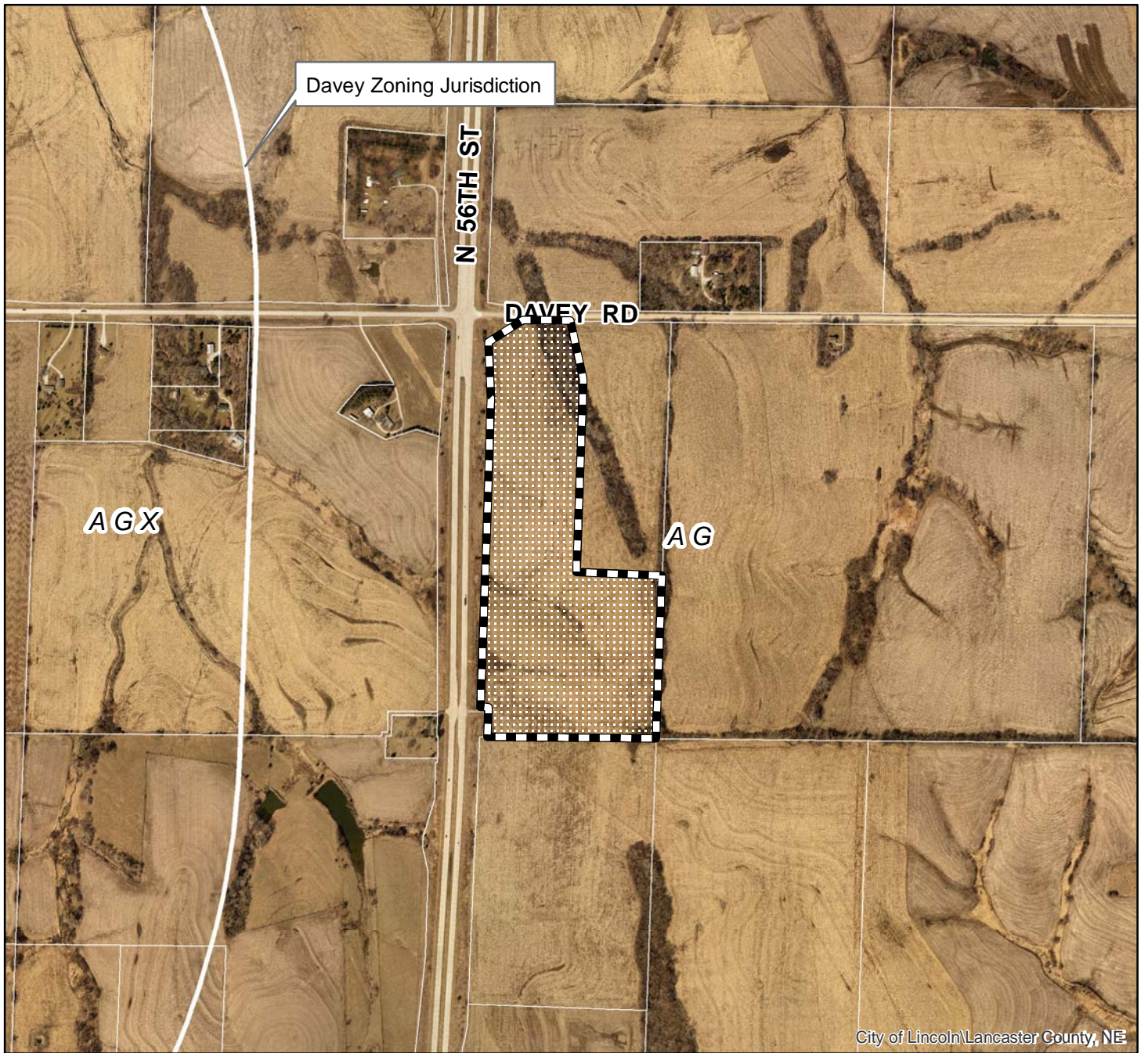
### Site Specific Conditions:

1. The City Council approves associated request:
  - 1.1 TX#19009
2. Before receiving building permits (if no final plat is required) or before a final plat is approved (if final plat is required) the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below:
  - 2.1 Revise Note #2 to read, "240 campsites are permitted. Up to 35% of the campsites may be occupied for no more than 180 consecutive days. If campground is built in phases, the 35% shall apply to the number of campsites in that phase."
  - 2.2 Change the line type around Camper Rental Area to distinguish it from the overall camping area. Change Camper Rental Area to Cabin Rental Area.
  - 2.3 Delete Note #6. This will be covered in Note #2.
  - 2.4 Delete Notes 17 and 18.
  - 2.5 Identify the portion of the driveway to be paved.
  - 2.6 Delete Note #10 and add to Note #2.
  - 2.7 Revise Note #16 to read, "Minor accessory retail sales for camper needs is allowed in the office/store. The sale of alcoholic beverages is not allowed."
  - 2.8 Correct the legal description.
  - 2.9 Correct the distance along the west boundary. It does not match the distance shown in the CAD drawing.
  - 2.10 Need to identify the various monument symbol types shown on the drawing either by monument notes, Legend identification or both.
  - 2.11 Survey data shown indicates establishment of various boundary corners. Need method of reestablishment shown along with record source including Surveyor's Certificate for the boundary work.
  - 2.12 Need to show recorded and measured right-of-way widths along adjacent roads.
  - 2.13 Section corner reference ties listed for corners identified as Point D, E and F but locations are not shown on the drawing.
  - 2.14 In the section corner reference ties, the labeling of corner C should be revised to "SE Cor W ½, NW ¼ Sec. 28 T12N, R7E."
  - 2.15 On the drawing, the adjacent lot east of the north portion of this special permit is miss-labeled. Should be Lot 27 IT not Lot 28.
  - 2.16 There is controlled access along Highway 77 which should be noted, listing record document number on the drawing or in the General Notes.

- 2.17 Provide a topo map showing contours and locations of buildings and amenities for our review of drainage patterns.
  - 2.18 Provide a drainage study that includes at a minimum a topographical map showing existing drainage areas and resulting runoff from all land lying outside the limits of the proposed construction which discharge storm water runoff into or through the area; a topographical map showing proposed contour lines, all sub drainage areas, and resulting runoff; and a copy of the drainage computations. The change in land use shall not adversely affect runoff to adjacent properties and county right-of-way; post-development flows should be less than or equal to pre-development flows.
3. Before receiving building permits provide the following documents to the Planning Department:
- 3.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
  - 3.2 Submit road improvement plans for Davey Road to the Lancaster County Engineering Department and to the Nebraska Department of Transportation for review and approval.

**Standard Conditions:**

- 4 The following conditions are applicable to all requests:
- 4.1 Before starting the operation all development and construction shall substantially comply with the approved plans.
  - 4.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
  - 4.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
  - 4.4 Before occupying this campground City/County Health Department is to approve the water and waste water systems.
  - 4.5 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
  - 4.6 The applicant shall sign and return the letter of acceptance to the County Clerk. This step should be completed within 60 days following the approval of the special permit The Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.



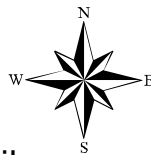
2018 aerial

**Special Permit #: SP19051**  
**N 56th St & Davey Rd**

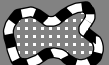


**Zoning:**

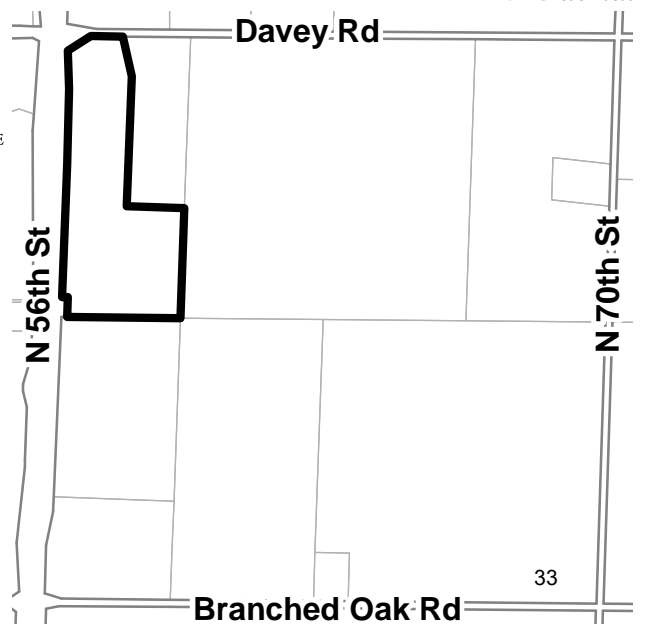
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

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One Square Mile:  
 Sec.28 T12N R07E

	Area of Application
	Zoning Jurisdiction Lines
	City of Lincoln Jurisdiction

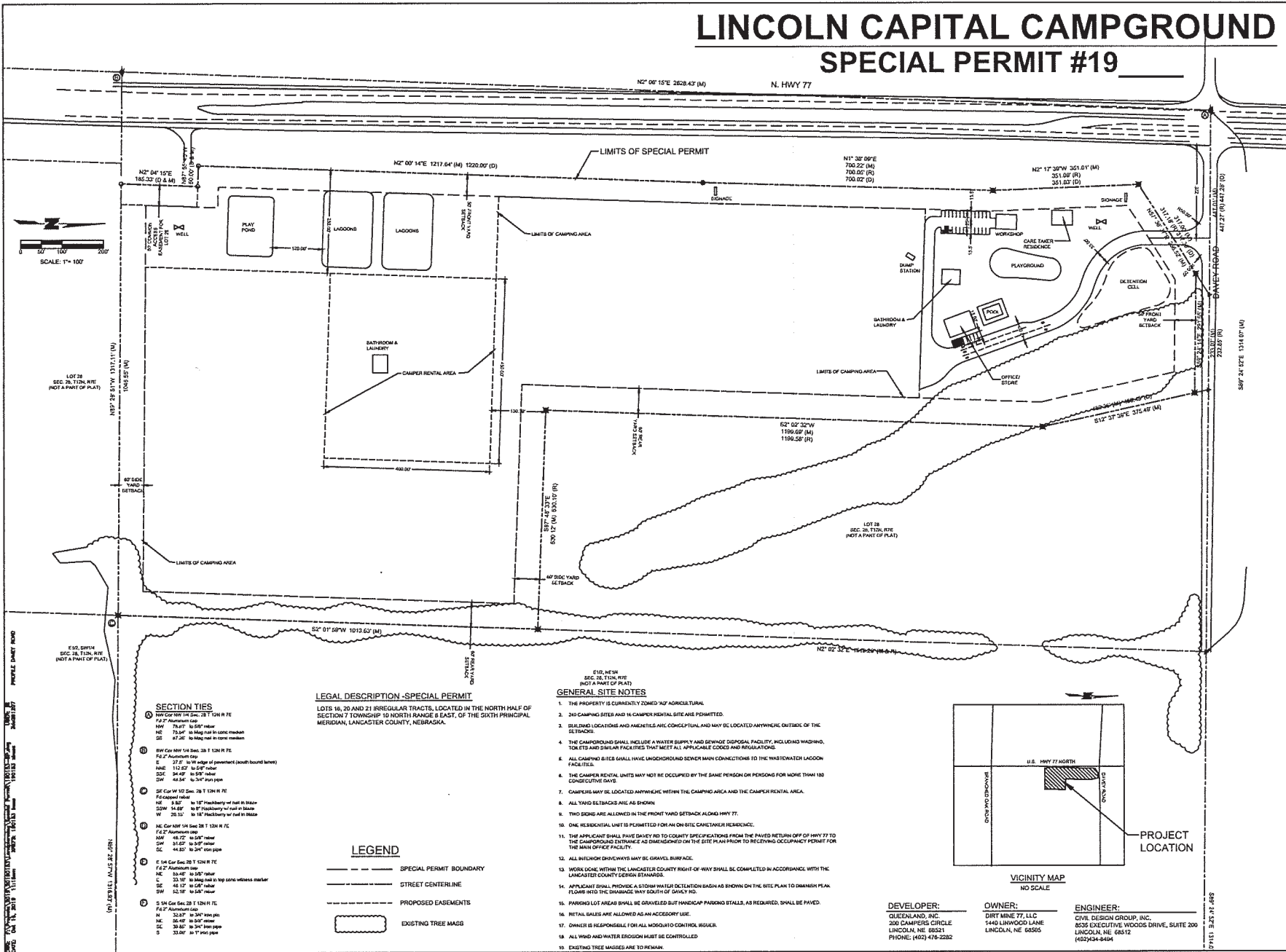


# LINCOLN CAPITAL CAMPGROUND SPECIAL PERMIT #19

Civil Design Group, Inc.  
1400 LINWOOD LANE, SUITE 200  
LINCOLN, NEBRASKA 68521  
Ph: 402-434-6888 Fax: 402-434-6877  
www.civil-design.com

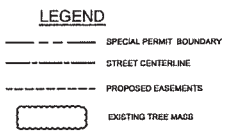


CONSULTING ENGINEERS/LAND USE PLANNERS  
CIVIL DESIGN/SITE DEVELOPMENT/PLANNING AND ZONING

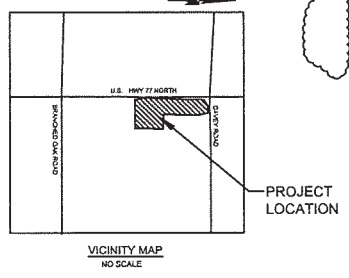


- SECTION TIES**
- 1. NW 1/4 Sec. 28 T. 21 N. R. 7 E. F. 2' Assumed
  - 2. NW 1/4 Sec. 28 T. 21 N. R. 7 E. F. 2' Assumed
  - 3. NW 1/4 Sec. 28 T. 21 N. R. 7 E. F. 2' Assumed
  - 4. NW 1/4 Sec. 28 T. 21 N. R. 7 E. F. 2' Assumed
  - 5. NW 1/4 Sec. 28 T. 21 N. R. 7 E. F. 2' Assumed
  - 6. NW 1/4 Sec. 28 T. 21 N. R. 7 E. F. 2' Assumed
  - 7. NW 1/4 Sec. 28 T. 21 N. R. 7 E. F. 2' Assumed
  - 8. NW 1/4 Sec. 28 T. 21 N. R. 7 E. F. 2' Assumed
  - 9. NW 1/4 Sec. 28 T. 21 N. R. 7 E. F. 2' Assumed
  - 10. NW 1/4 Sec. 28 T. 21 N. R. 7 E. F. 2' Assumed
  - 11. NW 1/4 Sec. 28 T. 21 N. R. 7 E. F. 2' Assumed
  - 12. NW 1/4 Sec. 28 T. 21 N. R. 7 E. F. 2' Assumed
  - 13. NW 1/4 Sec. 28 T. 21 N. R. 7 E. F. 2' Assumed
  - 14. NW 1/4 Sec. 28 T. 21 N. R. 7 E. F. 2' Assumed
  - 15. NW 1/4 Sec. 28 T. 21 N. R. 7 E. F. 2' Assumed
  - 16. NW 1/4 Sec. 28 T. 21 N. R. 7 E. F. 2' Assumed
  - 17. NW 1/4 Sec. 28 T. 21 N. R. 7 E. F. 2' Assumed
  - 18. NW 1/4 Sec. 28 T. 21 N. R. 7 E. F. 2' Assumed
  - 19. NW 1/4 Sec. 28 T. 21 N. R. 7 E. F. 2' Assumed
  - 20. NW 1/4 Sec. 28 T. 21 N. R. 7 E. F. 2' Assumed

**LEGAL DESCRIPTION - SPECIAL PERMIT**  
 LOTS 16, 20 AND 21 IRREGULAR TRACTS, LOCATED IN THE NORTH HALF OF SECTION 7 TOWNSHIP 10 NORTH RANGE 8 EAST, OF THE SIXTH PRINCIPAL MERIDIAN, LANCASTER COUNTY, NEBRASKA.



- GENERAL SITE NOTES**
1. THE PROPERTY IS CURRENTLY ZONED R2F AGRICULTURAL.
  2. 240 CAMPING SITES AND 16 CAMPER RENTAL SITES ARE PERMITTED.
  3. BUILDING LOCATIONS AND AMENITIES ARE CONCEPTUAL AND MAY BE LOCATED ANYWHERE OUTSIDE OF THE SETBACKS.
  4. THE CAMPGROUND SHALL INCLUDE A WATER SUPPLY AND SEWAGE DISPOSAL FACILITY, INCLUDING WASHING, TOLETS AND SIMILAR FACILITIES THAT MEET ALL APPLICABLE CODES AND REGULATIONS.
  5. ALL CAMPING SITES SHALL HAVE UNDERGROUND SEWER MAIN CONNECTIONS TO THE WASTEWATER LAAGOON FACILITIES.
  6. THE CAMPER RENTAL UNITS MAY NOT BE OCCUPIED BY THE SAME PERSON OR PERSONS FOR MORE THAN 180 CONSECUTIVE DAYS.
  7. CAMPERS MAY BE LOCATED ANYWHERE WITHIN THE CAMPING AREA AND THE CAMPER RENTAL AREA.
  8. ALL YARD SETBACKS ARE AS SHOWN.
  9. TWO SIGNS ARE ALLOWED IN THE FRONT YARD SETBACK ALONG HWY 77.
  10. ONE RESIDENTIAL UNIT IS PERMITTED FOR AN ON SITE CARETAKER RESIDENCE.
  11. THE APPLICANT SHALL HAVE DAVEY RD TO COUNTY SPECIFICATIONS FROM THE PAVED RETURN OFF OF HWY 77 TO THE CAMPGROUND ENTRANCE AS DIMENSIONED ON THE SITE PLAN PRIOR TO RECEIVING OCCUPANCY PERMIT FOR THE MAIN OFFICE FACILITY.
  12. ALL SIDEWALK DRIVEWAYS MAY BE GRAVEL BARRIAGE.
  13. WORK DONE WITHIN THE LANCASTER COUNTY RIGHT OF WAY SHALL BE COMPLETED IN ACCORDANCE WITH THE LANCASTER COUNTY DESIGN STANDARDS.
  14. APPLICANT SHALL PROVIDE A 30 DAY WATER DETENTION BASIN AS SHOWN ON THE SITE PLAN TO DIMENSION PLAN FLOOR INTO THE DRAINAGE WAY SOUTH OF DRIVE RD.
  15. PARKING LOT AREAS SHALL BE GRAVELED BUT HANDICAP PARKING SPACES, AS REQUIRED, SHALL BE PAVED.
  16. RETAIL SALES ARE ALLOWED AS AN ACCESSORY USE.
  17. OWNER IS RESPONSIBLE FOR ALL MOSQUITO CONTROL MEASURES.
  18. ALL WIND AND WATER EROSION MUST BE CONTROLLED.
  19. EXISTING TREE MASS ARE TO REMAIN.



**DEVELOPER:**  
QUEENLAND, INC.  
200 CAMPERS CIRCLE  
LINCOLN, NE 68521  
PHONE: (402) 476-2282

**OWNER:**  
DIRT MINE 77, LLC  
1440 LINWOOD LANE  
LINCOLN, NE 68521

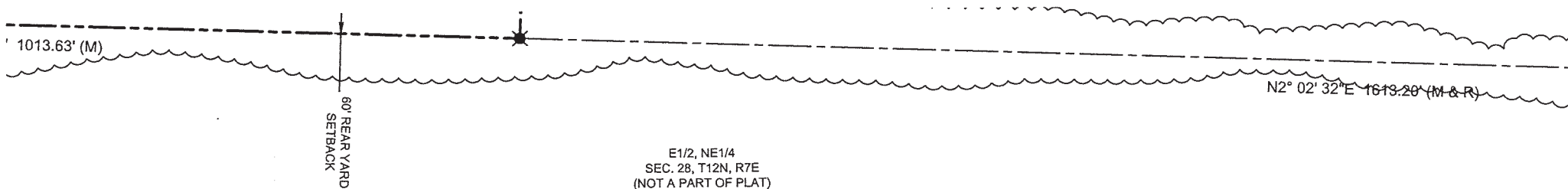
**ENGINEER:**  
CIVIL DESIGN GROUP, INC.  
8535 EXECUTIVE WOODS DRIVE, SUITE 200  
LINCOLN, NE 68512  
(402) 434-6888

REVISIONS	DATE	DESCRIPTION
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LINCOLN CAPITAL CAMPGROUND  
SITE PLAN  
LANCASTER COUNTY, NEBRASKA

Drawn by: JH  
Approved by: JH  
Project no.: 2019-0153  
Drawing no.: 19162210  
Date: 05/24/2019

**SHEET 1 OF 1**



E1/2, NE1/4  
 SEC. 28, T12N, R7E  
 (NOT A PART OF PLAT)




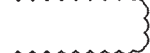
**GENERAL SITE NOTES**

1. THE PROPERTY IS CURRENTLY ZONED 'AG' AGRICULTURAL
2. 240 CAMPING SITES AND 16 CAMPER RENTAL SITE ARE PERMITTED.
3. BUILDING LOCATIONS AND AMENITIES ARE CONCEPTUAL AND MAY BE LOCATED ANYWHERE OUTSIDE OF THE SETBACKS.
4. THE CAMPGROUND SHALL INCLUDE A WATER SUPPLY AND SEWAGE DISPOSAL FACILITY, INCLUDING WASHING, TOILETS AND SIMILAR FACILITIES THAT MEET ALL APPLICABLE CODES AND REGULATIONS.
5. ALL CAMPING SITES SHALL HAVE UNDERGROUND SEWER MAIN CONNECTIONS TO THE WASTEWATER LAGOON FACILITIES.
6. THE CAMPER RENTAL UNITS MAY NOT BE OCCUPIED BY THE SAME PERSON OR PERSONS FOR MORE THAN 180 CONSECUTIVE DAYS.
7. CAMPERS MAY BE LOCATED ANYWHERE WITHIN THE CAMPING AREA AND THE CAMPER RENTAL AREA.
8. ALL YARD SETBACKS ARE AS SHOWN.
9. TWO SIGNS ARE ALLOWED IN THE FRONT YARD SETBACK ALONG HWY 77.
10. ONE RESIDENTIAL UNIT IS PERMITTED FOR AN ON-SITE CARETAKER RESIDENCE.
11. THE APPLICANT SHALL PAVE DAVEY RD TO COUNTY SPECIFICATIONS FROM THE PAVED RETURN OFF OF HWY 77 TO THE CAMPGROUND ENTRANCE AS DIMENSIONED ON THE SITE PLAN PRIOR TO RECEIVING OCCUPANCY PERMIT FOR THE MAIN OFFICE FACILITY.
12. ALL INTERIOR DRIVEWAYS MAY BE GRAVEL SURFACE.
13. WORK DONE WITHIN THE LANCASTER COUNTY RIGHT-OF-WAY SHALL BE COMPLETED IN ACCORDANCE WITH THE LANCASTER COUNTY DESIGN STANARDS.
14. APPLICANT SHALL PROVIDE A STORM WATER DETENTION BASIN AS SHOWN ON THE SITE PLAN TO DIMINISH PEAK FLOWS INTO THE DRAINAGE WAY SOUTH OF DAVEY RD.
15. PARKING LOT AREAS SHALL BE GRAVELED BUT HANDICAP PARKING STALLS, AS REQUIRED, SHALL BE PAVED.
16. RETAIL SALES ARE ALLOWED AS AN ACCESORY USE.
17. OWNER IS RESPONSIBLE FOR ALL MOSQUITO CONTROL ISSUES.
18. ALL WIND AND WATER EROSION MUST BE CONTROLLED.
19. EXISTING TREE MASSES ARE TO REMAIN.

**DESCRIPTION -SPECIAL PERMIT**

20 AND 21 IRREGULAR TRACTS, LOCATED IN THE NORTH HALF OF TOWNSHIP 10 NORTH RANGE 8 EAST, OF THE SIXTH PRINCIPAL MERIDIAN, LANCASTER COUNTY, NEBRASKA.

**LEGEND**

-  SPECIAL PERMIT BOUNDARY
-  STREET CENTERLINE
-  PROPOSED EASEMENTS
-  EXISTING TREE MASS

**DEVELOPER**

QUEENLAND, IN  
 200 CAMPERS C  
 LINCOLN, NE 68  
 PHONE: (402) 47

**Geological and Ground Water Background Information  
Proposed Lincoln Capital Campground  
W ½, NW ¼, Sec. 28, T12N, R7E, Lancaster County**

**Dick Ehrman, Water Resources Specialist  
Lower Platte South Natural Resources District**

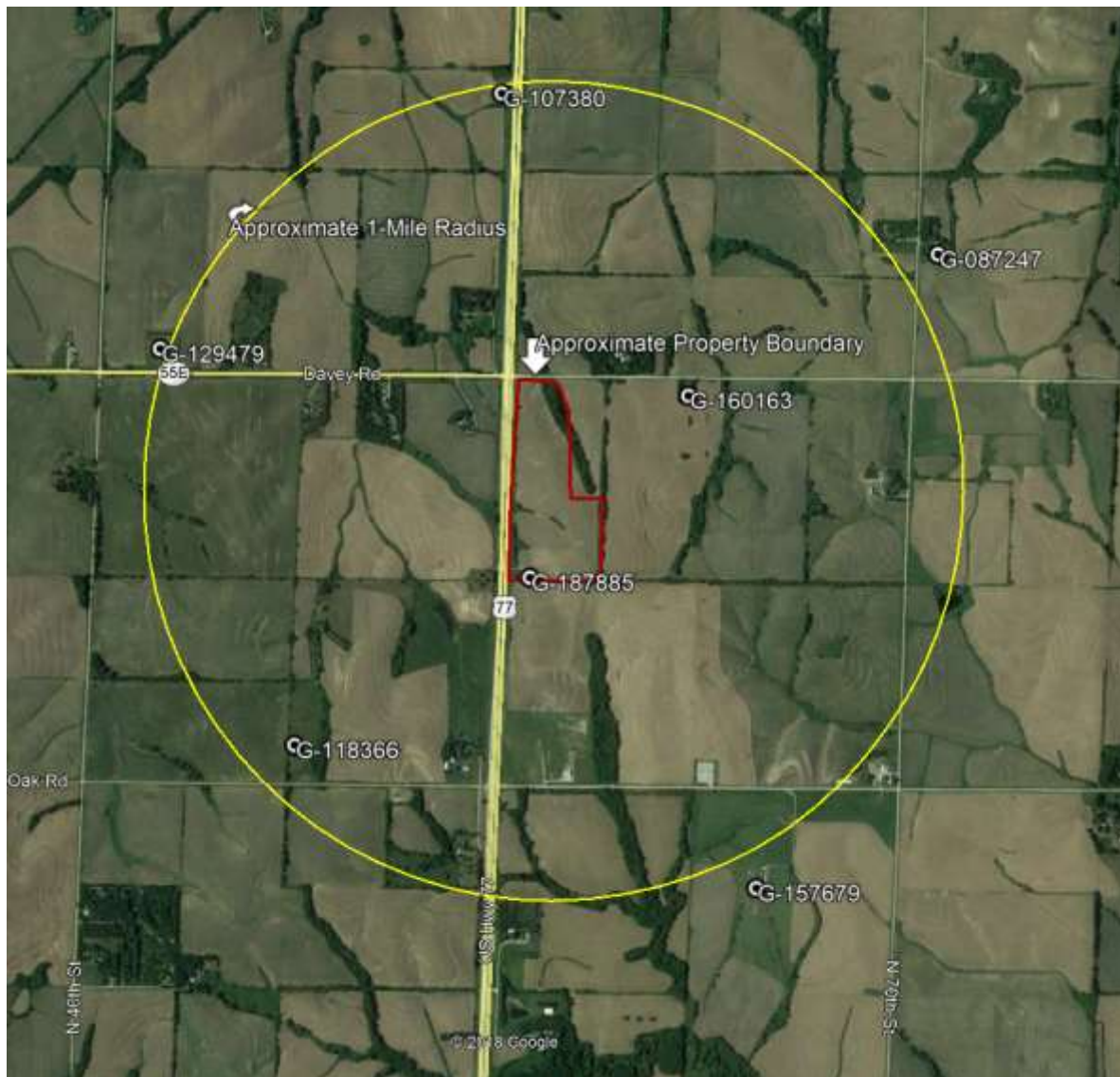
**General Geological and Ground Water Background**

The site is located in north-central Lancaster County a little more than a mile east of Davey, in the Rolling Hills topographic region. In general, the area is underlain by a variety of glacial deposits consisting of windblown silt (loess) and glacial till (a poorly-sorted mixture of clay, silt, sand and gravel but often characterized by thick sequences of clay), and stream-deposited sand and gravel units which can yield variable amounts of ground water. Additionally, the Dakota Group bedrock sandstones which underlie these younger sediments can produce ground water but if wells are drilled too deep into the Dakota, poor water quality from high salt levels can be a concern.

**Ground Water Availability and Use**

Within about a one-mile radius of the proposed facility, the Nebraska Department of Natural Resources' well registration database lists a total of seven registered wells, all of these being domestic wells. One of these is located on the property proposed for development. The table below summarizes the basic characteristics of those wells; the map on the following page shows their locations in relation to the proposed campground:

<b>Well Registration Number</b>	<b>Use</b>	<b>Completion Date</b>	<b>Land Surface Elevation</b>	<b>Static Water Level</b>	<b>Water Table Elevation</b>	<b>Well Depth</b>	<b>Screen Interval</b>	<b>Pump Rate (gpm)</b>
G-087247	Domestic	1995	1355	142	1213	185	165-185	10
G-107380	Domestic	2000	1266	55	1211	121	111-121	10
G-118336	Domestic	2002	1345	170	1175	305	285-305	15
G-129479	Domestic	2004	1313	158	1155	243	223-243	15
G-157679	Domestic	2010	1315	150	1165	280	270-280	25
G-160163	Domestic	2011	1306	114	1192	285	275-285	15
G-187885	Domestic	2019	1329	138	1191	264	244-264	50



In general, the geologic logs for the above wells show several tens of feet of alternating silt, clay, and sand, then sandstone and shale at something more than 100 feet below the land surface. Note that this is only a summary; each of the above wells' logs is slightly different. The northernmost well (G-107380) appears to be screened in a sand and gravel unit in the upper glacial sediments, while the remainder of the wells are screened considerably deeper, probably in sand/sandstone units of the Dakota Group. Most of the wells are registered as pumping between 10 and 25 gallons per minute (gpm), which is fairly typical for domestic and stock wells in southeast Nebraska. However, the newest well on the property proposed for development (G-187885) is registered as pumping 50 gpm, considerably more than the other nearby wells. It therefore appears that the ground water supply in this area is variable, which again is consistent with the variable nature of the geological units characterizing this part of Lancaster County.

### **Ground Water Quality**

The Lower Platte South NRD has not sampled any wells in the area indicated on this map. The nearest wells that the NRD has sampled are around the Village of Davey about one to two miles west of the proposed site. The two municipal wells for Davey have historically shown elevated levels of nitrate, often above 10 parts per million (ppm). The NRD has installed four dedicated monitoring wells in the wellhead protection area for Davey, and these wells have shown elevated levels as well, mostly between 5 and 15 ppm. For reference, the US Environmental Protection Agency's maximum contaminant level (MCL) for nitrate-nitrogen in drinking water is 10 ppm. As a result, in 2009 LPSNRD established a Phase II Ground Water Management Area (GWMA) in the area included in Davey's wellhead protection area, and has been working with farmers and landowners there on programs to reduce the levels of nitrate in ground water. Therefore, the Lower Platte South NRD has some indication of nitrate contamination of ground water in the general vicinity, but no data for the ground water in the area immediately surrounding the proposed facility. As already mentioned, some results from some sampling events have shown slightly elevated levels of dissolved salts (particularly sodium), but these are attributed to natural sources associated with the bedrock units in the area, and are generally considered a nuisance. All other parameters in the NRD's database for samples from this area have been well within associated guidelines for drinking water.

### **Water Quality Considerations**

As noted above, the subsurface materials in this area consist of a variety of silt and clay materials, under which occur different kinds of aquifer materials. As a general rule, the greater the distance from the surface to the ground water, and the more fine-grained the materials that make up this zone (generally known as the unsaturated or vadose zone), the less likely the leaching of materials applied to the surface. That being the case, most of the wells listed that are screened in the deeper aquifer units, especially where there are significant thicknesses of glacial till or clay, appear to be at comparatively low risk from surface contamination. The wells that are constructed and screened at a shallower depth would have a higher vulnerability to contamination from the surface, but even so the fine-grained materials near the surface offer some protection from widespread ground water pollution. Therefore, the overall vulnerability of ground water to contamination from surface sources in this area is fairly low, especially compared to areas with coarse, sandy soils and shallow depths to ground water. However, as with any applied fertilizer materials or operation of any onsite waste facility, careful application and management is necessary to minimize any risks to water quality. Given that this area is characterized by sloping land surfaces, this is especially important to protect surface water from runoff which might contain high amounts of nutrients which can negatively impact water quality in streams, lakes, and wetlands.

### **Helpful References:**

Korus, J.T., L.M. Howard, A.R. Young, D.P. Divine, M.E. Burbach, J.M. Jess, and D.R. Hallum. 2013. *The Groundwater Atlas of Nebraska*. Conservation and Survey Division, University of Nebraska-Lincoln. Resources Atlas # 4b/2013. 64 p.

Divine, D.P. 2014. *The Groundwater Atlas of Lancaster County, Nebraska*. Conservation and Survey Division, University of Nebraska-Lincoln. Resources Atlas #7. 39 p.



# Civil Design Group, Inc.

Consulting Engineers & Land Use Planners  
Civil Design • Site Development • Planning & Zoning

October 15, 2019

Mr. David Cary, Director of Planning  
City of Lincoln /Lancaster County  
555 South 10<sup>th</sup> Street, Room 213  
Lincoln, NE 68508

**Re: Ground Water Analysis information for the Lincoln Capital Campground Special Permit, #19015, at Hwy 77 and Davey Rd., CDG Project No. 2019-0153**

Dear Mr. Cary:

On behalf of Dave and Jolene Queen, attached is a ground water well analysis for the Lincoln Capital Campground Special Permit #1915. Although this report is not required as part of the special permit for a Campground, we thought it would be useful for your review of this application as there has been concern expressed by the neighbors about the availability of groundwater to serve the facility.

A series of maps and exhibits are attached to demonstrate the availability of groundwater in this region of Lancaster County. My analysis was performed on seven registered wells within a 1-mile radius of the site. The attached summary data for those wells demonstrates that the adjusted aquifer level as determined by the adjusted static water level (adjusted for the variable ground surface elevations of the wells) is remarkably consistent over the 18-year period. The well data below is arranged in both geographic and then chronological order based on drilling date to demonstrate the aquifer levels over time.

### REGISTERED WELL DATA FOR THE LINCOLN CAPITAL CAMPGROUND FACILITY

Well Number on Map	Well Registration Number	Ground Surface Elevation	Registered Well Depth	Static Water Level of Well	Date of Well Testing	Adjusted Static Water Level
1 (test well)	G187885	1328	264	138	7/25/19	1190
2	G157679	1314	280	150	8/10/10	1164
3	G118366	1347	305	170	11/5/02	1177
4	G184858	1311	340	130	4/24/18	1181
5	G129479	1312	243	158	4/5/04	1154
6	G107380	1262	121	55	7/21/99	1207
7	G087247	1352	185	142	8/29/95	1210
8	G160163	1310	285	114	3/23/11	1196
AVERAGE						1183

**REGISTERED WELL DATA BY DATE**

Well Number on Map	Well Registration Number	Ground Surface Elevation	Registered Well Depth	Static Water Level of Well	Date of Well Testing	Adjusted Static Water Level
7	G087247	1352	185	142	8/29/95	1210
6	G107380	1262	121	55	7/21/99	1207
3	G118366	1347	305	170	11/5/02	1177
5	G129479	1312	243	158	4/5/04	1154
2	G157679	1314	280	150	8/10/10	1164
8	G160163	1310	285	114	3/23/11	1196
4	G184858	1311	340	130	4/24/18	1181
1 (test well)	G187885	1328	264	138	7/25/19	1190
AVERAGE						1183

The data above shows that the aquifer in this area has remained consistent over time. The test well's adjusted static water level, or water table elevation, was at 1,190' slightly higher than average. The on-site pumping of the test well also showed significant capacity as it was pumped at an estimated 100 gallons per minute (GPM) as determined by Moser Well Drilling. This well was registered for a pumping rate maximum of less than 50 GPM based on the needs of the campground. The draw down depth, from the static water level to the pumped water level, was a decrease in elevation of only 12 feet indicating a robust aquifer.

Empirical data for the current Camp-A-Way site (based on City of Lincoln water use records) shows that during the peak July/August months the campground averaged 68.9 gallons of use per campsite, per day (inclusive of swimming, shower and laundry facilities). To extrapolate this past use for the proposed 240 camp site permit, the peak demand would translate to 16,536 gallons per day based on the historical peak average of 68.9 gallons/site/day. The test well would only need to pump for 330 minutes or 5.5 hours/day to satisfy the peak demand at 50 GPM. During the fall, winter and spring months the campground water use drops off significantly, allowing for a lengthy annual aquifer recharge period.

Despite the variability of ground water in this area of the County, the test well drilled by the applicant demonstrates that it can provide an adequate ground water supply for the campground operations. The information above is based on registered well data available via the Nebraska DNR website. There are several unregistered wells adjacent to site. The two closest unregistered wells to the test well are 1,967' and 2,354' from the test well.

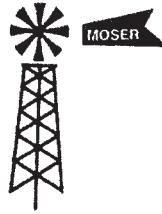
As always, please feel free to call me at (402) 434-8494 with questions you may have.

Sincerely,

Mike Eckert, AICP

cc: Kent Seacrest  
Dave Queen

# Moser Well Drilling



# and Service Inc.

Marvin Moser  
Hickman, NE

Allen Moser  
Hickman, NE

Bill Moser  
Roca, NE

Chris Thornton  
Hickman, NE

Hickman, Nebraska 68372  
Phone: (402)792-2515  
Lincoln: 477-7291  
Fax# 792-2922  
www.moserwell.com



Pumps and Well Supplies - Trenching - Drilling

Date: 7/10/2019 Well # 14-19 Driller: Bill NRD Lower Platte South

Owner/Builder: Dave Queen - 13611 West U.S. Highway 34, Malcolm, NE 68402 Ph - 525-4370

Location:  
1/2 mile south of Davey Road on Highway 77 - on east side.

- 0- 51 Yellow clay
- 51- 56 Yellow sand
- 56- 70 Yellow and gray clay
- 70-100 Brown clay
- 100-137 Silty gray clay
- 137-139 Black and gray clay
- 139-161 Coarse yellow sandstone
- 161-175 Yellow shale w/little red
- 175-214 Gray shale, some sandy, mostly hard
- 214-215 Ironstone - gray
- 215-224 Fine tan sandstone
- 224-227 Red and gray shale
- 227-230 Ironstone - gray
- 230-276 Fine brown sandstone
- 276-285 Hard yellow and red shale w/ironstone

Depth: 264' Elevation: \_\_\_\_\_

### Casing Information

Type: PVC Thickness: 200#  
 Length: 244' Diameter: 5"  
 Bore Size: 9.5" SWL: 138' M  
 PWL: Est. 150'  
 GPM: 100 w/big air compressor

Filler Pack: 25-234'  
Grout: 6-25; 234-239'

### Screen

Length: 10'+10' Diameter: 4"  
 Type: PVC Mono; WOP  
 Slot: .016; .020  
 Area of Screen: 244-264'  
 Pack: 239-265'  
 Type of Pack: #20 Red Flint

### Chemical Analysis

Total Chlorides 13.2 ppm  
 Sodium: 52.2 ppm  
 Hardness: 687.0 ppm  
 Nitrates: 1.5 ppm  
 Bacteria: \_\_\_\_\_  
 Iron: .96 ppm

Lat. Degrees 40 Minutes 58 Seconds 48.49

Long. Degrees 96 Minutes 38 Seconds 27.72

State Sent 8/12/19

CTY/TN Lancaster/Rock Creek

T.N. 12 R.E. 7 SECT. 28

Reg \_\_\_\_\_

# WATER ANALYSIS



Submitted by **6837205**  
**Moser Well Co.**  
**PO Box 308**  
**Hickman, NE 68372-0308**

Submitted for  
**DAVE QUEEN**

Laboratory Sample #  
**BP13722**

Date Received  
**15-Jul-2019**

Date Reported  
**17-Jul-2019**

Information Sheet #  
**60208**

Samples Will Be Stored Until **30-Jul-2019**

## REPORT OF ANALYTICAL RESULTS

Client Sample Identification	Analysis	Result	
7-12-19	Water pH	7.58	
	Hardness	686.60	ppm
	Bicarbonate	397.72	ppm
	Carbonate	0.01	ppm
	Electrical Conductivity	1.40	mmhos/cm
	Total Dissolved Salts	896.00	ppm
	Sodium	52.23	ppm
	Calcium	173.60	ppm
	Magnesium	61.61	ppm
	Potassium	13.62	ppm
	Sulfate	392.87	ppm
	Nitrate-N	1.50	ppm
	Chloride	13.20	ppm
	Boron	0.29	ppm
	Phosphate	0.18	ppm
	Manganese	0.26	ppm
	Iron	0.96	ppm

**DISCLAIMER:** Data and information in this report are intended solely for the individual(s) for whom samples were submitted. Reproduction of this report must be in its entirety. Levels listed are guidelines only. Data was reported based on standard laboratory procedures and deviations.



Legend

- County Boundary
- Well Data
  - ◆ Aquaculture
  - ◆ Commercial/Industrial
  - ◆ Domestic
  - ◆ Pit for Irrigation
  - ◆ Ground Heat Exch-Closed Loop
  - ◆ Heat Pump-Open Loop
  - ◆ Irrigation
  - ◆ Injection
  - ◆ Observation
  - ◆ Other
  - ◆ Monitoring
  - ◆ Recovery
  - ◆ Stock
  - ◆ Geothermal
  - ◆ Dewatering
- NRD Boundary
- Section Boundary
- City Point
- Road
- Major Lakes
- Rivers
- Major Streams
- Waterbodies

6,841.8 0 3,420.92 6,841.8 Feet

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

NAD\_1983\_StatePlane\_Nebraska\_FIPS\_2600\_Feet

## LANCASTER COUNTY ENGINEERING DEPARTMENT

1. The submitted "Legal Description – Special Permit" lists the wrong irregular tract numbers and the wrong Section, Township and Range.
2. Need to identify the various monument symbol types shown on the drawing either by monument notes, Legend identification or both.
3. Survey data shown indicates establishment of various boundary corners. Need method of reestablishment shown along with record source including Surveyor's Certificate for the boundary work.
4. Need to show recorded and measured right-of-way widths along adjacent roads.
5. Section corner reference ties listed for corners identified as Point D, E and F but locations are not shown on the drawing.
6. In the section corner reference ties, the labeling of corner C should be revised to "SE Cor W  $\frac{1}{2}$ , NW  $\frac{1}{4}$  Sec. 28 T12N, R7E.
7. On the drawing, the adjacent lot east of the north portion of this special permit is mislabeled. Should be Lot 27 IT not Lot 28.
8. There is controlled access along Highway 77 which should be noted, listing record document number on the drawing or in the General Notes.
9. Access to this property from Davey Road is from that part of Davey Road in State of Nebraska ownership with permitting and approval through the Nebraska Department of Transportation District 1 Office. Please contact the appropriate State Department and comply with applicable access requirements including meeting necessary setback requirements off existing highway roadway to edge of proposed access driveway.
10. Please provide a topo map showing contours and locations of buildings and amenities for our review of drainage patterns.
11. General Site Note No. 14 states that the applicant shall provide a storm water detention basin to diminish peak flows into the drainage way south of Davey Road. Please provide a drainage study that includes at a minimum a topographical map showing existing drainage areas and resulting runoff from all land lying outside the limits of the proposed construction which discharge storm water runoff into or through the area; a topographical map showing proposed contour lines, all sub drainage areas, and resulting runoff; and a copy of the drainage computations. The change in land use shall not adversely affect runoff to adjacent properties and county right-of-way; post-development flows should be less than or equal to pre-development flows.
12. Please submit road improvement plans for Davey Road to this office and to the Nebraska Department of Transportation for review and approval.
13. Development improvements shall not adversely affect existing roadway drainage or drainage structures

## LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT

The applicant is proposing the use of a sewage lagoon or lagoons for onsite wastewater treatment. This system will require review and permitting by the Nebraska Department of Energy and Environment (NDEE) and by the Lincoln-Lancaster County Health Department (LLCHD).

The applicant is proposing the use of two water wells to provide water for the RV sites, cabins, swimming pool and other facilities. The applicant has drilled a test well on the site and states the test well shows that adequate water capacity exists to serve the proposed facilities.

The applicant must provide information on the data and the process that was used to determine that adequate water will be available at the location utilizing two wells to service the proposed facilities. The information must also include total projected daily water usage expected to service the proposed facility at full capacity for all proposed features. The information must include water quantity and quality information.

The water supply for this facility will be subject to the requirements of the Nebraska Safe Drinking Water Act that is administered by (NDEE). The applicant must supply information indicating how the requirements will be met by the proposed water supply.

A swimming pool is proposed for this campground. Prior to construction, the applicant must obtain a construction permit from the Nebraska Department of Health and Human services.

If the campground amenities include the sale of food products or the preparation of food products, additional review of the proposed facilities will be required. Any food being sold to the public will require a food establishment permit. During the construction and operation of this campground, the owner/operator will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32.



SEACREST & KALKOWSKI, PC, LLO

KENT@SK-LAW.COM | DANAY@SK-LAW.COM

November 21, 2019

REVISED LETTER

Mr. David Cary, Director of Planning  
Lincoln-Lancaster County Planning Department  
555 S. 10<sup>th</sup> Street, Room 213  
Lincoln, NE 68506

**RE: County Special Permit Application and Text Amendment for a Campground per County Zoning Regulation 13.014, generally located at the southeast corner of Hwy 77 and Davey Rd.**

Dear Mr. Cary:

On behalf of Dave and Jolene Queen we submit the enclosed application for the proposed "Lincoln Capital Campground", a special permit for a campground located on 45.49 acres on the southeast corner of Hwy 77 and Davey Road. The Queens are the current operators and owners of the Camp A Way campground facility located at 200 Campers Circle in Lincoln. This Camp A Way location is operated under a lease with the City of Lincoln as the landowner. The City of Lincoln has provided the Queens with a generous lessor notice that the City desires to reuse the land for a different purpose upon lease expiration and therefore we are requesting this special permit to relocate the Camp A Way facilities at our proposed location.

With our application we are proposing to construct and operate their independent, family oriented RV Park and Campground to the 45.49 acres along the east side of Hwy 77 and south of Davey Road. The site plan shows the proposed layout for the campground that would be developed in at least two phases. Proposed capital improvements and guest amenities would include the following:

- Up to 240 camping sites with full water and electric services/hook-ups. Types of camping sites would include traditional RV/camper sites, tent sites, and specialty camping facility such as "glamping" tent platforms, tipis, covered wagons, recreation park trailers designed to look like log cabins, etc.
- Management and Operational facilities will include: Registration & check-in office/store, maintenance workshop, two wells, sanitary sewer lagoons, a storm shelter and two signage locations along Hwy 77. The site plan includes a proposed caretaker dwelling unit.
- Campground Amenities for paid guests may include: Swimming pools and play ponds, playground facilities, volleyball, horseshoes and basketball play areas, dogs run area,

kitchen, laundry, bathroom & shower facilities, a propane filling station, dump station and internet services.

Access to the proposed Campground will be off of Davey Road approximately 250' east of Hwy 77. The applicant is proposing to pave Davey Road to County asphalt standard between Hwy 77 and the Campground entrance as shown on the site plan. Two groundwater wells will be utilized for the potable supply and a sanitary sewer pipe network will be installed to each camp site (excluding tent sites) and the management facilities to deliver wastewater directly to a common lagoon treatment facility. For your convenience a complimentary groundwater well study of the surrounding aquifer levels is included with this application.

Lastly, in order to permit extended stays at the campground for up to 180 days, we have been working with Planning and County legal staff on the necessary terms and conditions needed to allow this maximum length of stay at this site. Accomplishing this requires a proposed text amendment to the county code that is attached with this letter.

In conjunction with this submittal the following information is enclosed:

Use Permit Application  
County Use Permit Review Fee: \$988.00  
Health Department Review Fee: \$445.00  
Text Amendment Review Fee: \$412.00

I hope this information and site plan provides you with adequate information to review this application. Please contact me with any questions you may have.

Sincerely,



KENT SEACREST  
For the Firm

Enclosures

cc: Dave & Jolene Queen  
Mike Eckert, Civil Design Group

# CAMP A WAY

## LINCOLN, NEBRASKA

October 11, 2019

To: Neighboring Property Owners

RE: Proposed Campground development of the southeast corner of Hwy 77 and Davey Road; informational meeting will be held on Tuesday, October 22, 2019 at 5:30 P.M., Davey Community Center, 17810 N. 2nd Street, Davey, Nebraska

Dear Neighbors:

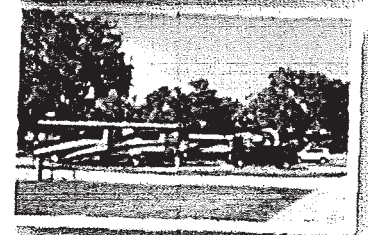
My name is Dave Queen and along with my wife, Jolene Queen ("Queen"), we are the current operators and owners of Camp A Way located at 200 Campers Circle, in Lincoln. Camp A Way is operated under a lease with the City of Lincoln as the landowner. The City of Lincoln has future plans for its land, and we are being asked to relocate Camp A Way after 25 years of serving campers.

After careful study, we are proposing to relocate and operate an independent and family-oriented RV Park and Campground ("Campground") on the 45.49 acres along the east side of Hwy 77 and south of Davey Road ("Property"). We have entered into an agreement with Dirt Mine 77, LLC to purchase the Property.

For your information, I am enclosing a proposed site map of the Property. The proposed Campground will be developed in phases. Proposed improvements would include up to 245 camping sites with full water and electric services/hook-ups. Types of camping sites would include:

- Traditional RV/camper sites;
- Tent sites;
- Specialty camping—e.g., "glamping" tent platforms, tipis, covered wagons, recreation park trailers designed to look like log cabins, etc.;

Along with the camping sites, there will be a registration headquarters area, office store, residence, kitchen, snack bar, laundry, bathrooms/showers, storm shelter, propane filling station, dump station and workshop. Finally, there will be campground amenities and facilities for paid campers that could include zero-entry swimming pool, playground, volleyball, horseshoes, basketball, gaga pit, internet, dog run, etc.



Access to the proposed Campground will be off of Davey Road. We propose to pave Davey Road between Hwy 77 and the Campground entrance. Well water and a lagoon will be utilized. Our family will be seeking a special permit from Lancaster County for a campground facility and related accessory uses on the Property.

We would like to invite you to an informational meeting to review the Campground development plans. The informational meeting will be held on Tuesday, October 22, 2019 at 5:30 P.M., Davey Community Center, 17810 N. 2nd Street, Davey, Nebraska. We have engaged the professional services of Civil Design Group (Mike Eckert) and Seacrest & Kalkowski Law Firm (Kent Seacrest) to assist our family with the relocation of the Campground.

If you are unable to attend the meeting or have questions regarding the above, please feel free to contact Dave Queen or Chris Queen (402.476.2282).

We look forward to meeting you.

Very truly yours,

A handwritten signature in cursive script that reads "Dave Queen".

Dave Queen

Enclosure

cc: Chris Queen

Mike Eckert, Civil Design Group

Kent Seacrest, Seacrest & Kalkowski, PC, LLO

Tom Cajka, Planning Department

Pam Dingman, County Engineer

Rick Vest, County Commissioner

OCT 17 2019